

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 175 OF 2018**

SHRIPAD M. PINGE

... PETITIONER

Versus

MADGAUM URBAN CO-OPERATIVE BANK
LTD., THR. ITS MANAGING DIRECTOR

... RESPONDENTS

Shri Shivraj Gaonkar, Advocate for the Petitioner.

CORAM : C.V. BHADANG, J.**Date : 14th February, 2018****ORAL ORDER:**

Heard Shri Gaonkar, the learned Counsel for the petitioner.

2. The challenge in this petition is to the judgment and order dated 21.11.2017, passed by the Registrar of the Co-Operative Societies at Panaji, thereby dismissing the application filed by the petitioner (disputant), under Section 83 of the Goa Cooperative Societies Act, 2001 (Act, for short), on the ground that a service dispute, cannot be entertained by the Registrar under Section 83 of the Act. The Registrar of the Co-Operative Societies has placed reliance on the decision of the Hon'ble Supreme Court in the case of **Maharashtra State Cooperative Housing Finance Corporation Limited Vs. Prabhakar**

Sitaram Bhadange, (2017) 5 SCC 623, in coming to the conclusion that the dispute of the present nature, would not lie under Section 83 of the Act.

3. Shri Gaonkar, the learned Counsel for the petitioner has raised a solitary contention. It is submitted that although, the Authorities under the Act, cannot entertain a service dispute, the ancillary reliefs, such as, compensation/damages or back wages, can be considered by the Registrar. The learned Counsel has placed reliance on the decision of the Hon'ble Supreme Court in the case of **Gujarat State Co-operative Land Development Bank Ltd. Vs. P. R. Mankad & Others, (1979) 3 SCC 123**. It is submitted that in the decision, in the case of **Prabhakar Sitaram Bhadange** (supra), although in para 11, the Hon'ble Supreme Court has adverted to the issue whether, there is power to grant damages under Section 91 of the Maharashtra Cooperative Societies Act, 1960, it has not been specifically answered or decided.

4. On hearing the learned Counsel for the petitioner, I do not find that the said contention can be accepted. This is because the Division Bench of this Court in the case of **Pralhad Vithalrao Pawar Vs. Kannaded Sahakari Sakhar Karkhana**

Ltd., (1998) 3 MH.L.J. 214, had taken a view that although, relief of reinstatement cannot be granted by the Registrar, a claim for damages can be entertained. This judgment has been specifically overruled by the Hon'ble Supreme Court in the case of **Prabhakar Sitaram Bhadange** (supra).

5. In such circumstances, I do not find that the impugned order suffers from any infirmity, so as to require interference. The petition is accordingly dismissed. Needless to mention that the petitioner shall be entitled to take recourse to any other remedy, if available in law.

C.V. BHADANG, J.

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