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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4234 OF 2015

Abhudaya Co-operative Bank Ltd.

...Petitioner.

vs

Vilas Vishnupant Khandave

...Respondent.

.....

Mr Ashok D. Shetty for the Petitioner.

Mr S.M.Sabrad for the Respondent.

.....

**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 28, 2018.**

P.C. :

This Writ Petition has been filed challenging the Judgment and Order dated 25th September, 2014, passed by the Co-operative Court No.1, Pune. By the impugned order the dispute filed by the respondent herein and who was the employee of the petitioner bank, was partly allowed. The order of termination issued against the respondent employee dated 31st October, 2002 was declared as illegal, null and void and the petitioner bank was directed to pay the compensation of Rs.8,50,000/- in lieu of reinstatement continuity and backwages alongwith future interest at 6 % p.a. from the date of the impugned order till payment and/or realization.

2 I find that the petitioner has an alternate remedy of appeal under the Maharashtra Co-operative Societies Act, 1960. Section 97 of the said Act clearly provides that any party aggrieved by any decision of the Co-operative Court under Section 96 or any

order passed by the Co-operative Court or the Registrar or the authorized officer under Section 95 may, within two months from the date of the decision or order, appeal to the Co-operative Appellate Court. This being the position, I do not think that this Writ Petition should be entertained. Whilst relegating the petitioner to the alternate remedy of appeal under Section 97, this Writ Petition is dismissed. No order as to costs.

3 Whilst entertaining the appeal of the petitioner, the Appeal Court shall take into consideration the time spent by the petitioner in prosecuting the petition. It is further clarified that if the petitioner prefers any application for interim relief before the Co-operative Appellate Court, the same shall be considered expeditiously and in accordance with law.

(B.P.COLABAWALLA, J.)