

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.544 OF 2025**

M/S. ZYDUS HEALTHCARE LTD.

Represented by Mr. Narendra B. Tangar, Deputy General Manager - HR Department, Having office at 'Zydus Tower', CTS No. 460/6, Village Pahadi, Goregaon East, Mumbai-400063.

...Petitioner

VERSUS

1) SHRI TATHAGATA PAUL,
S/o Sh. Tapan Paul R/o-Reshambagan,
Agartala, District-West Tripura - 799008.

2) LABOUR COMMISSIONER
Govt. of Tripura, Office Lane,
Agartala, West Tripura, 799001.

3) THE STATE OF TRIPURA
Represented by Principal Secretary,
Department of Labour, Govt. of Tripura,
New Capital Complex,
P.O-Secretariat Complex, Agartala,
P.S- New Capital Complex
Dist. West Tripura.

.....Respondents

For Petitioner(s)	: Mr. Arurag Lakhotia, Advocate. Mr. B. Paul, Advocate. Ms. R. Dey, Advocate.
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For Respondent(s)	: Mr. Kohinoor N. Bhattacharyya, G.A.
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District - West Tripura -799008.

2) THE PRESIDING OFFICER

Labour Court, The District Judge West Tripura,
Agartala.

3) LABOUR COMMISSIONER

Govt. of Tripura, Office Lane,
Agartala, West Tripura, 799001.

4) THE STATE OF TRIPURA,

Represented by Principal Secretary.
Department of Labour,
Govt. of Tripura, New Capital Complex,
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For Petitioner(s)	: Mr. Arurag Lakhotia, Advocate. Mr. B. Paul, Advocate. Ms. R. Dey, Advocate.
For Respondent(s)	: Mr. Kohinoor N. Bhattacharyya, G.A.
Date of hearing and delivery of judgment and order	: 17.11.2025
Whether fit for reporting	: YES/NO

HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER (ORAL)

1. Since both the writ petitions arises out of a common cause of action and involves identical question of facts and law, they are heard together and taken up for disposal.

2. The brief facts of WP(C) No.544 of 2024 is that the petitioner, M/s Zydus Healthcare Ltd., is a pharmaceutical company. Respondent-Shri Tathagata Paul, was an employee whose services were terminated after a departmental/domestic enquiry. Following the termination, the employee raised an industrial dispute before the Labour Department, Government of Tripura. Conciliation proceedings were initiated by the Labour Commissioner. No settlement could be arrived at. After receiving the report of the Conciliation Officer, the State Government issued a Reference Order dated 31.03.2022 under Section 10(1) of the Industrial Disputes Act, 1947, referring the following issues to the Labour Court, West Tripura, Agartala:-

- (a) Whether the retrenchment of Shri Tathagata Paul from service is illegal.
- (b) If so, what relief he is entitled to.

3. Pursuant to this reference, Labour Case No. 05 of 2022 was registered before the Labour Court and proceedings commenced. The present writ petition, WP(C) No. 544 of 2025, seeking the following reliefs:-

“a. Issue a writ of certiorari or any other appropriate writ, order or direction quashing the reference order dated 31.03.2022 passed by Respondent No.2;

b. Issue any appropriate writ, order or direction to declare that the dispute, if any, pertains to a dismissal pursuant to disciplinary proceedings and not 'retrenchment', and consequently remand the matter to Respondent No.2 for fresh consideration strictly in accordance with law after granting the Petitioner an opportunity of hearing;

c. Pass such other and further orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.”

4. The brief facts of WP(C) No.545 of 2025 is that after the reference was made in 2022, the Labour Court, West Tripura, Agartala proceeded with Labour Case No. 05 of 2022. On 15.12.2023, the Labour Court framed seven

issues for adjudication. Thereafter, the petitioner-management filed an application dated 26.07.2024 under Section 151 CPC (read with the Industrial Disputes Act, 1947), seeking to frame two threshold issues as preliminary issues, namely:

(i) Whether the domestic enquiry conducted by the management was fair, proper and valid.

(ii) Whether the claimant falls within the definition of "workman" under Section 2(s) of the ID Act.

5. The employee (respondent) filed objections to the said application on 27.09.2024. By order dated 06.06.2025, the learned Labour Court rejected the petitioner's application, holding that the maintainability issue already covered the objections raised and that separate preliminary issues were not required at that stage.

6. Aggrieved by the said order, the petitioner filed WP(C) No. 545 of 2025 before this Court, seeking the following reliefs:-

"a Issue a writ of certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned order dated 06.06.2025 passed by the Ld. District Judge, Labour Court, West Tripura, Agartala in Labour Case No. 05 of 2022, after calling the record of the same;

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing the Ld. District Judge, Labour Court, West Tripura, Agartala to specifically frame and decide, as preliminary issues in Labour Case No. 05 of 2022:

i. Whether the domestic enquiry conducted against Respondent No.1 was fair, proper, and valid in law; and

ii. Whether Respondent No. 3 falls within the definition of "workman" under Section 2(s) of the Industrial Disputes Act, 1947.

c. Pass such other and further orders) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."

7. Heard learned counsel appearing for both the parties.

8. In WP(C) No. 544 of 2025, the petitioner has challenged the impugned order passed by the Labour Court. The writ petition is filed by the company against the respondent workman (full facts are already discussed above).

9. On perusal of the records, it is evident that the challenge is against the order dated 31.03.2022. However, in the affidavit filed in support of this writ petition, the petitioner has not stated any reasons for not challenging 31.03.2022 order till November 2025. That from 2022 till November 2025 to overcome the serious ground of laches no case has been made out. Nowhere in the pleadings has the petitioner explained the delay in approaching this Court. In the absence of any explanation for such prolonged inaction, the Court is of the considered view that the writ petition suffers from gross laches, and on this sole ground, the writ petition cannot be entertained. Accordingly, WP(C) No. 544 of 2025 stands dismissed.

10. In WP(C) No. 545 of 2025, the petitioner seeks a direction upon the Labour Court to frame an issue before proceeding further, particularly an issue as to “whether the enquiry conducted by the Management against the claimant was illegal or unjustified, with the onus upon the claimant”. The present writ petition is essentially a consequential proceeding, arising out of the same cause of action that originated in March 2022, and is connected with the earlier writ petition. Since the principal writ petition, WP(C) No. 544 of 2025, wherein the petitioner challenged the impugned order of the Labour Court, has already failed and has been dismissed, this consequential writ petition cannot survive independently. Accordingly, WP(C) No. 545 of 2025 also fails and is dismissed in the same terms.

11.. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

DR. T. AMARNATH GOUD, J.

Suhanjit

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