TRHC010008712026

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 343/2026

Glenmark Pharmaceuticals Ltd. ----Petitioner(s)

Versus

The State of Tripura & anr. ----Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mr. K. Pandey, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD

Order

21/05/2026

Heard Mr. Somik Deb, learned senior counsel assisted by Mr. K. Pandey, learned counsel appearing for the petitioner. Also heard D. Sarma, learned Additional GA appearing for the respondent.

2. By means of filing this writ petition, the petitioner has prayed for the following reliefs:

> ***"(a) A writ in the nature of Certiorari calling for records relating to the impugned orders being Annexures 7,8, 16 and 19 thereof;***
> ***(b) A writ in the nature of Certiorari quashing and/or setting aside the impugned orders dated 31 march 2022 and 1 April 2022 being Annexures 7 and 8 hereof;***
> ***(c) A writ in the nature of Certiorari quashing and/or setting aside the order dated 13 November 2024 and 13 January 2026 in Labour Case No. 6 of 2022 passed by the learned District Judge (Shri S. Sharma Roy), Agartala, West Tripura, being Annexure 16 and 19 hereof;***
> ***(d) A writ in the nature of Certiorari calling for records of the Labour Case No. 6 of 2022 before the learned District Judge (Shri S. Sharma Roy), Agartala, West Tripura;***
> ***(e) An order staying the proceeding in Labour Case No. 6 of 2022 during the pendency of the present petition;***
> ***(f) Rule Nisi in terms of prayers above;***
> ***(g) Ad interim orders in terms of prayers above; and***
> ***(h) Such further and/or other order or orders be passed, direction or directions be given as Your Lordships may deem fit and proper"***

3. It is the case of the petitioner-Company, that respondent no.2 was working under the petitioner till his termination from service. Challenging the order of termination, the respondent No.2 approached the Joint Labour Commissioner i.e. the respondent no.1 herein, and the respondent No.1, by the impugned Order dated 31.03.2022 and 01.04.2022 made a reference whereby the dispute was referred to the District & Sessions Judge, West Tripura.

4. Learned senior counsel for the petitioner has submitted that respondent no.2 does not by any means falls within the definition of 'workman, and the issue concerned to the status of the employee which ought to have been considered by the respondent No.1 prior to making the reference, and thus urged for setting aside the impugned orders, as stated above.

5. Mr. Sarma, learned Addl. GA has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the writ petition requires to be dismissed as there is no infirmity in the order passed by the Commissioner.

6. This court has perused the record and also has gone through the impugned Orders. While passing the impugned Orders, the respondent no. 1 has not framed any issue on the point of maintainability of the case and also did not determine as to whether the respondent no. 2 falls within the ambit of 'workmen' under the statute. Unless the crucial issues are framed, the respondent no. 1 cannot proceed further, which in this case, the respondent no. 1, remained silent.

7. Accordingly, the impugned Orders dated 31.03.2022 and 01.04.2022 are set-aside, and the matter is remanded back to the respondent no. 1. The respondent no.1 shall frame an issue on the point of maintainability as well as whether the respondent no.2 falls under the definition of 'workmen' under the statute and thereafter shall frame reasonable issues and proceed with the matter. The petitioners and the respondent no.2 are at liberty to submit their draft issues, in the event, if they are advised to do so. On receipt of the same, the respondent No.1-Commissioner shall examine the matter in its entirety including on the point of maintainability and then proceed with the same.

The instant writ petition is disposed of in the aforesaid manner.

Pending application(s), if any, also stands disposed.

JUDGE

HIGH COURT OF TRIPURA
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