

06.02.2023
M/L. 1
ns/pg Ct.16

MAT 1974 of 2022
With
I.A. No.CAN 1 of 2022

Amrutanjan Healthcare Limited
Vs.

The State of West Bengal & Ors.

Mr. Anant Kr. Shaw
Mr. Mainak Ganguly.....for the appellant

Mr. Suvadip Bhattacharya
Mr. Balaram Patra.....for the respondent no. 3

Mr. Susovan Sengupta
Mr. Somrat Dhar.....for the State

This intra-Court appeal by the writ petitioner is directed against the order dated 15th November, 2022 in W.P.A. 11491 of 2022. The writ petition was filed challenging an interlocutory order passed by the 5th Industrial Tribunal, Kolkata in Case No. VIII-25/2011 dated 28th March, 2022 by which an application filed by the appellant for appointment of an Interpreter while examining one of the summons witness one Mr. V. Dhamodaran was rejected. Challenging the same, the appellant is before us by way of filing this appeal.

We have heard Mr. Anant Kr. Shaw, learned counsel for the appellant and Mr. Suvadip Bhattacharya, learned counsel for the respondent no. 3. The learned writ Court after considering the factual aspects and also taking note of the various questions posed to the

summons witness opined that the order passed by the learned tribunal was fully justified.

In our considered view, there is no error in the order passed in the writ petition. If the witness has any difficulty in understanding the questions posed to him during the course of cross-examination, it will be always well open to the industrial tribunal to issue appropriate directions, if in its opinion an Interpreter is required. In any event, the issue is one of exercise of discretion by the tribunal and it would not be appropriate for a writ Court or even an appellate Court to interdict a proceeding especially when the industrial dispute is of the year 2011.

Therefore, we find no error in the order passed in the writ petition for us to interfere.

However, we make it clear that if in the opinion of the industrial tribunal an Interpreter is required at any stage of the matter, it will be open to the industrial tribunal to pass appropriate orders in accordance with law.

With the aforesaid observations, the appeal and the connected application are dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)