

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

APOT/271/2025

ABBOTT HEALTHCARE PRIVATE LIMITED  
VERSUS  
FEDERATION OF MEDICAL AND SALES REPRESENTATIVES  
ASSOCIATION OF INDIA AND ORS.

AND

APOT/272/2025  
IA NO: GA/1/2025

ABBOTT HEALTHCARE PRIVATE LIMITED  
VERSUS  
FEDERATION OF MEDICAL AND SALES REPRESENTATIVES  
ASSOCIATIONS OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE OM NARAYAN RAI

Date : 25<sup>th</sup> September, 2025.

Appearance:

Mr. Anindya Mitra, Sr. Adv.  
Mr. Arindam Banerjee, Sr. Adv.  
Mr. Arik Banerjee, Adv.  
Mr. Altamash Alim, Adv.  
Mr. Pujon Chatterjee, Adv.  
Mr. Aniket Choudhury, Adv.  
Mr. Sutosom Bhattacharyya, Adv.  
...for the appellant

Mr. Aninda Lahiri, Adv.  
Ms. Dipika Banu, Adv.  
Mr. Subhadip Chakraborty, Adv.  
Ms. Bolivia Roy, Adv.  
...for the respondents

**Dictated by Arijit Banerjee, J.**

The Court: By consent of the parties, these appeals and the connected application are taken up for hearing together.

These appeals are directed against a judgment and order dated August 25, 2025, whereby two applications being GA/1/2024 and GA/3/2024, filed in CS/207/2024 were disposed of by a Learned Judge of this Court.

GA/1/2024 was an application filed by the plaintiff/appellant praying for injunction to restrain the defendants from interfering with the business activities of the plaintiff. On such application, an ex parte ad interim order was passed on October 7, 2024, the operative portion whereof reads as follows:-

*“Accordingly, the defendants, its office bearers, men, agents, members and assigns are restrained from creating any obstruction or hindrance in the running of the business and working of the plaintiff company and its employees in Kolkata and throughout the State of West Bengal.*

*The defendants, its office bearers, men, agents, members and assigns are also restrained from restraining the plaintiff company and its employees from meeting doctors in Kolkata as well as in the State of West Bengal in their respective chambers or elsewhere in the course of their daily field work till 22<sup>nd</sup> November, 2024.”*

The said order was extended from time to time.

The defendants filed an application being GA/3/2024 for vacating the aforesaid order.

By the judgment and order impugned in this appeal, both the applications, i.e., injunction application of the plaintiff and the vacating

application of the defendants, were disposed of. The operative portion of the order under appeal reads as follows:

*“In the aforesaid facts and circumstances, to strike a balance, I clarify the order dated 7<sup>th</sup> October, 2024 by permitting the defendants no.1 and its members from carrying out normal trade union activities like protest, rally, and dharna but the same should be beyond 50 meters from the office premises of the plaintiff company. The defendants, however, will be permitted to display protest materials or posters in the notice board maintained in the offices of the plaintiff company. The defendants and/or the members of the defendant no.1 company should not intimidate or terrorise any willing employee of the plaintiff company from either joining the work or in carrying out the same or from visiting the doctors at their chambers, hospital and other places.*

*It is further classified that the plaintiff shall not be entitled to take any steps or enforce any ban on the protest gatherings, rally, demonstration or dharna if the same are carried out by the members of the defendant no.1 in a responsible manner and strictly in accordance with the provisions of 1926 Act.*

*It is also clarified that the plaintiff shall not make use of any force or carry out any oppressive act in preventing lawful trade union activities in and around the precincts of the office of the plaintiff company by using the order dated 7<sup>th</sup> October, 2024, or even otherwise.”*

Being aggrieved, the plaintiff has come up by way of these appeals.

Mr. Mitra, Learned Senior Counsel representing the appellant/plaintiff says that the defendant Union has no connection with the plaintiff company. The employees of the plaintiff company are not members of the defendant Union. The Union has no authority to

purportedly espouse the cause of the employees of the plaintiff company in West Bengal. Unnecessarily and illegally, the defendant Union is creating disturbance in and around the office premises of the plaintiff company. The impugned order has further emboldened them to escalate their illegal activities. The ad interim order that was continuing for a long period should have been confirmed by the Learned Single Judge instead of passing further orders. Mr. Mitra submitted that the impugned order should be set aside or modified clarifying that the ad interim order dated October 7, 2024, shall continue to operate till the disposal of the suit.

Learned advocate for the defendants strongly disputes the submission made on behalf of the plaintiff. He relies on a memorandum of settlement dated May 17, 2023, (page 732 of the stay application) to contend that the defendant Union represents all the employees of the plaintiff all over India. He also refers to other communication between the defendant Union and the plaintiff company to buttress his argument that the defendant Union is authorised to espouse the cause and represent the interest of the employees of the plaintiff company.

It may not be necessary for us immediately to decide whether or not the defendant Union can represent the interest of the employees of the plaintiff. Even assuming the defendant Union is entitled to do so, what is clear is that the Union cannot indulge in any activity which will have the effect of interfering with the business affairs and administration of the plaintiff company. It is true that every registered trade union can involve itself in activities permitted under the Trade Unions Act, 1926 strictly adhering to the provisions thereof. However, in the garb of exercising such

right under the 1926 Act, no Trade Union or any of its members can adversely affect the interest of any other party, in this case, the plaintiff.

We, therefore, clarify as follows:-

- i. The defendants, its office bearers, men, agents, members and assigns will not be entitled to hold any demonstration or do anything in pursuance of their right under the Trade Unions Act within 50 metres of the plaintiff's office premises in Kolkata and at other places in West Bengal.
- ii. The defendants, its office bearers, men, agents, members and assigns shall have no access to the office premises of the plaintiff. They will have no right to enter such office premises unless they are invited by the plaintiff.
- iii. The defendants, its office bearers, men, agents, members and assigns shall not restrain the employees of the plaintiff company from meeting doctors in Kolkata as well as at other places in the State of West Bengal, in their respective chambers or elsewhere in course of their daily field work.

In this connection, we record the submission made on behalf of the defendants that there is no question of any such obstruction since all such persons are members of the defendant Union.

- iv. The defendants, its office bearers, men, agents, members and assigns shall not create any obstruction to or hindrance in the running of the business and working of the plaintiff company

and its employees in Kolkata and at other places in the State of West Bengal.

This order will be in operation in the place and stead of the order that is impugned in these appeals till the disposal of the suit, subject to any further order that may be passed by the Learned Single Judge.

Since we have not called for affidavits, the allegations in the petitions are deemed not to be admitted by the respondents.

The appeals and the connected application are disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)