In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present :-

The Hon'ble Justice Shampa Dutt (Paul)

WPA 10322 of 2025

Sun Pharmaceutical Industries Limited

VS.

State of West Bengal & Anr.

For the Petitioner	:	Mr. Soumya Majumder, Ld. Sr. Adv. Ms. Sanjukta Dutta.
For the State	:	Mr. Aninda Lahiri, Mr. B. Chakraborty, Ms. Pallabi Mondal.
Judgment reserved on	:	10.09.2026
Judgment delivered on	:	07.10.2026

Shampa Dutt (Paul), J. :-

1. The writ application has been preferred challenging the award dated 18th December, 2024 passed by the learned 2nd Labour Court, West Bengal in Case No. 07 of 2014 under Section 10(1B)(d) of the Industrial Disputes Act, 1947.

2. Vide the impugned order, the learned Tribunal decided the following issues:-

1. *Whether the applicant is a workman as per provision of Industrial Dispute Act?*
2. *Is the case maintainable in its proper form and law?*
3. *Whether the disciplinary proceeding and the enquiry against the applicant/ workman is legal and valid?*
4. *Is the order of termination, if any valid and justified?*
5. *Is the applicant entitled to get relief as prayed for?*

3. And held as follows:-

"IT IS ORDERED

The application under Section 10 (1B)(d) of the Industrial Dispute Act 1947 be and the same is

HEREBY ALLOWED On contest without any order as to cost.

The OPPOSITE PARTY NO1 was not justified in terminating the applicant.

The applicant is hereby is entitled to reinstatement at the same status.

The applicant is entitled to receive 50% back wages from date of termination till the actual reinstatement with all consequential benefits.

OP is directed to make payment and comply the award, lest the applicant shall be free to take legal recourse.

Let necessary compliances be made in terms of service of the copies of concerned Government authorities in terms of Section 17AA of the Industrial Dispute Act, 1947.

The case is hereby disposed off."

4. It appears that the learned Tribunal held that the reference was maintainable and that the applicant was a 'workman' under the Industrial Disputes Act and **on holding that the disciplinary proceedings and enquiry was not legal and valid, set aside the order of termination.**

5. It appears from the impugned order that though there was evidence of **additional income** in the family after the period of termination, which supported the fact that the employee was not unemployed, the learned Tribunal, holding the same be silent on his status of employment, also granted back wages.

6. Parties have filed their respective written notes of arguments and also relied upon judgments in support of their case.

7. The petitioner's case is that the applicant was a District Manager. He was transferred to Chennai with effect from 1st September, 2013. He expressed his inability to accept transfer by letter dated 22nd August, 2013. A charge-sheet dated 12th December, 2013 was

issued whereafter an *ex parte* enquiry was conducted due to non-participation of the applicant in the enquiry. Enquiry report was supplied to the applicant and thereafter, he was terminated vide letter dated 14th March, 2014.

8. It is stated by the petitioner that in any event, transfer was not an issue raised in adjudication and the applicant himself had expressed his inability to accept transfer. It is stated that it is settled law that transfer is an incident of service. In a proceeding under Section 10(1B), only an individual dispute of termination from service can be adjudicated, and not a collective industrial dispute of transfer.

9. On jurisdictional issue – evidence of employee shows that six employees used to report to him and he used to forward their leave applications and travelling bills and as such his 'workman' status is challenged.

10. The petitioner here challenges the findings of the learned Tribunal as to the employee, being a workman, on the ground that the employee was a District Manager and the same was on promotion. The petitioner argues on the point of justifiability of transfer order, by stating that in a proceeding under Section 10(1B)(d) of the Industrial Disputes Act, 1947, transfer order can never be an issue. Only individual case of termination from service can form subject matter of Section 10(1B) proceeding. It is thus stated that the

impugned order is therefore wholly perverse and transfer order ought to be taken as valid and justified, and as the employee expressed inability to accept transfer, the question of back wages, therefore, could not have arisen at all.

11. Mr. Majumder, learned senior counsel, submits that while deciding validity of domestic enquiry, provisions of Industrial Employment (Standing Orders) Act, 1946 were considered. Such Act of 1946 does not apply to offices and establishments. The Act applies to factories. It was nobody's case that the employee was employed at the factory.

12. Mr. Majumder further argues that the Labour Court has perplexed itself between the first enquiry and the second enquiry. The first enquiry had nothing to do with the second enquiry since the later one was arising out of non-acceptance of transfer. It was only the second enquiry which was relevant.

13. The petitioner has relied upon the following judgments in support of his case:-

a. Tarsem Singh and another Vs. State of Punjab and others reported in ***(1994) 5 SCC 392***.

b. Allahabad Bank and others Vs. Avtar Bhushan Bhartiya reported in ***(2022) 13 SCC 202***.

c. Mukesh K. Tripathi Vs. Senior Divisional Manager, LIC and others reported in ***(2004) 8 SCC 387***.

d. Bharti Airtel Limited Vs. A.S. Raghavendra reported in ***(2024) 6 SCC 418.***

14. The respondent in his written notes has stated that the order of transfer is covered under point No. 7 of the 5th Schedule of the Industrial Disputes Act and is a case of unfair labour practice.

15. The respondent's further case is that he, being a sales promotion employee, is a workman under the Act.

16. It is the case of the respondent that the respondent was initially appointed on 8th July, 1996, as Medical Representative to the post of Field Sales Officer at HQ, Barasat, Kolkata by the Corssland II Division of Ranbaxy. He was so designated for 14 years until his promotion to the next post as District Manager. The said post is somehow to have taken effect from 7th January, 2010 and except the revision of pay and allowances, the rest of the conditions of service remained the same.

17. It is the case of the respondent that none of the functions allotted to him was of post above a workman and as such, the learned Tribunal rightly held that he is a workman.

18. It is the case of the respondent No. 2 that on 13th February, 2013, he was presented with a show cause notice by the Zonal HR Manager, on the allegation of false report to visit Dr. S. K. Kar and Dr. Ramesh Chandra Saha. He was asked to reply to the show cause

within 72 hours of its receipt. Charge sheet was submitted against him on 26th April, 2013 and the respondent No. 2 was placed under suspension. Respondent No. 2 was directed to present himself for the domestic inquiry at the Eastern Regional Office of Ranbaxy laboratories. Respondent No. 2 replied to the charge sheet on 5th May, 2013, exposing the vengeance of Mr. Subhadip Mukherjee and Mr. Amit Pal, the HR partner for making this allegation of false report of Doctors and denied the allegation whole heartedly. The petitioner company though initiated a domestic inquiry, but was constrained to give a clean chit to respondent No. 2 in connection with the allegation of false reporting of doctors and this was duly communicated to him by the letter of withdrawal of suspension dated 28th June, 2013.

19. The respondent No. 2, then received a letter dated 14th August, 2013 directing him to join the Chennai Headquarter from Barasat Headquarter of the company and it was to take effect from 1st September, 2013. The sole purpose of this order is submitted to get rid of the applicant as the vindictive attitude of the Management failed to implicate the respondent No. 2 in the charge of false reporting of doctors and the respondent No. 2 was compelled to be given clean chit in that domestic inquiry.

20. It is the case of the respondent No. 2 that the order of transfer to Chennai Headquarter is not for requirement of his job but a

vindictive step taken by the petitioners as the respondent No. 2 could not be penalized in the domestic enquiry. The company issued a charge sheet cum notice of inquiry on 12th December, 2013, which the applicant replied on 21st December, 2013. The company fixed 22nd January, 2014 as the date of inquiry and the date was posted on 11th February, 2014. Respondent No. 2 was never placed under suspension during the entire procedure of domestic inquiry. The respondent No. 2 requested a number of times to conduct the inquiry in Kolkata but the company was adamant to proceed with the inquiry at Chennai. The respondent No. 2 failed to appear because for a long time, the respondent No. 2 was not being paid either his salary or his expenses and this has resulted in the conclusion of inquiry and subsequent termination of services w.e.f. 14th March, 2014 and then proceeding before the Labour authorities and finally the learned Tribunal.

21. The respondent No. 2 has relied upon the following judgments:-

a. Ghanshyam Das Shrivastava Vs. State of Madhya Prasdesh reported in ***(1973) 1 SCC 656***.

b. Sumanto Banerjee Vs. Ranbaxy Laboratories Limited and others passed in ***FMA 2276 of 2016.***

22. The tribunal's relevant observation and finding is as follows:-

> *".....Now, turning to the inquiry by the enquiry officer, the report is marked as Exhibit E.*

The substance of inquiry was the validity of transfer order and subsequent refusal of the employee to join the transferred post. Strangely, the report of enquiry officer, even though arrived at in the absence of the CSE (charge sheeted employee) is expected to decide both the ends by a speaking order. Instead of arriving at the cause of transfer, the report seems to suggest that the transfer was on the ground of exigency and "there is no point questioning the authority of the company in transferring its employees to a place of its choice. The right of the transfer is vested with the company. It is the bounden duty of the CSE to abide by the direction of the company" There is not a single document manifested and exhibited in the course of Domestic inquiry citing the pressing need of the company to transfer the employee to a distant place.

If the order quoted above is the disposition of the enquiry officer, then what was it that was required to be decided in the enquiry. The finding of inquiry officer is thus non- speaking, cryptic and ipse dixit order.

It is plain from the above contentions on the refusal of the applicant to joint his transferred place of posing that is from Kolkata to Chennai, he was dismissed from his post by way of a domestic inquiry which was held at Chennai. For the reasons discussed above, this court is neither convinced of the validity of the domestic enquiry held by the enquiry officer nor there sufficient materials before this court in evidence to substantiate the same."

23. In the present case the disciplinary proceedings has been initiated for non compliance of the order of transfer.

24. A proper enquiry was conducted giving sufficient opportunity to the employee herein, who refused to co-operate.

25. The petitioner establishment followed all rules diligently, keeping in mind the principles of natural justice while conducting the domestic enquiry/disciplinary proceedings.

26. In ***Airports Authority of India vs Pradip Kumar Banerjee, in Civil Appeal No(s). 8414 of 2017, decided on February 04, 2025,*** the Supreme Court held:-

> *"**32.** It is trite law that in disciplinary proceedings, it is not necessary for the Disciplinary Authority to deal with each and every ground raised by the delinquent officer in the representation against the proposed penalty and detailed reasons are not required to be recorded in the order imposing punishment if he accepts the findings recorded by the Enquiry Officer. Our view stands fortified by the decision of this Court in **Boloram Bordoloi v. Lakhimi Gaolia Bank, (2021) 3 SCC 806,** wherein it was held:-*
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> *"11. . . . Further, it is well settled that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. . . ."*
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> ***33.** All that is required on the part of the Disciplinary Authority is that it should examine the evidence in the disciplinary proceedings and arrive at a reasoned conclusion that the material placed on record during the course of enquiry establishes the guilt of the delinquent employee on the principle of preponderance of probabilities. This is precisely what was done by the Disciplinary Authority and the Appellate Authority while dealing with the case of the respondent.*

> ***39.*** *In the wake of the above discussion, we hold that the Division Bench, while exercising the intra-court writ appellate jurisdiction clearly erred in interfering with the* ***concurrent findings recorded by the Disciplinary Authority, the Appellate Authority*** *as affirmed by the learned Single Judge."*

27. The Supreme Court in the ***State of Rajasthan and others – vs – Heem Singh, in Civil Appeal No. 3340 of 2020 decided on 29th October, 2020*** held :-

> *"33.* ***In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice.*** *But they are not governed by strict rules of evidence which apply to judicial proceedings.* ***The standard of proof is*** *hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt,* ***but a civil standard governed by a preponderance of probabilities.*** *Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy – deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service.* ***At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of***

> ***what the law regards as a perverse determination of fact.*** *Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognized it for long years in* ***allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum.*** *Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review.* ***To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity.*** *But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."*

28. In ***B. C. Chaturvedi – vs – Union of Indian and others [(1995) 6 Supreme Court Cases 749 in Civil Appeal No. 9830 of 1995],*** the Supreme Court held that:-

> *"18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty*

imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.

23. It deserves to be pointed out that the mere fact that there is no provision parallel to Article 142 relating to the High Courts, can be no ground to think that they have not to do complete justice, and if moulding of relief would do complete justice between the parties, the same cannot be ordered. Absence of provision like Article 142 is not material, according to me. This may be illustrated by pointing out that despite there being no provision in the Constitution parallel to Article 137 conferring power of review on the High Court, this Court held as early as 1961 in Shivdeo Singh case that the High Courts too can exercise power of review, which inheres in every court of plenary jurisdiction. I would say that power to do complete justice also inheres in every Court, not to speak of a court of plenary jurisdiction like a High Court. Of Course, this power is not as wide as which this Court has under Article 142. That, however, is a different matter.

24. What has been stated above may be buttressed by putting the matter a little differently. The same is that in a case of a dismissal, Article 21 gets attracted, and, in view of the interdependence of fundamental rights, which concept was first accepted in the case commonly known as Bank Nationalisation case, which thinking was extended to cases attracting Article 21 in Maneka Gandhi v. Union of India, the punishment/penalty awarded has to be reasonable; and if it be unreasonable, Article 14 would be violated. That Article 14 gets attracted in a case of disproportionate punishment was the view of this Court in Bhagat Ram v. State of H.P. also. Now if Article 14 were to be violated, it cannot be doubted that a High Court can take care of the same by substituting, in appropriate cases, a punishment deemed reasonable by it."

29. *In Civil Appeal No. 5848 of 2021 (Union of India & Ors. vs. Dalbir Singh) the Supreme Court held (relevant paragraphs are reproduced herein):-*

"25. This Court in Ajit Kumar Nag v. General Manager (PJ), Indian Oil Corpn. Ltd., Haldia & Ors., (2005) 7

SCC 764 held that the degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused "beyond reasonable doubt", he cannot be convicted by a court of law. ***In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of "preponderance of probability".***

It was held as under:-

"11. As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the Corporation from taking an action if it is otherwise permissible. In our judgment, the law is fairly well settled. Acquittal by a criminal court would not debar an employer from exercising power in accordance with the Rules and Regulations in force. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused "beyond reasonable doubt", he cannot be convicted by a court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of "preponderance of probability". Acquittal of the

appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation. We are, therefore, unable to uphold the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside."

26. This Court in ***Noida Entrepreneurs Association v. NOIDA & Ors. (2007) 10 SCC 385,*** *held that the criminal prosecution is launched for an offence for violation of a duty, the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public, whereas, the departmental inquiry is to maintain discipline in the service and efficiency of public service. It was held as under:*

"11. A bare perusal of the order which has been quoted in its totality goes to show that the same is not based on any rational foundation. The conceptual difference between a departmental inquiry and criminal proceedings has not been kept in view. Even orders passed by the executive have to be tested on the touchstone of reasonableness. [See Tata Cellular v. Union of India [(1994) 6 SCC 651] and Teri Oat Estates (P) Ltd. v. U.T., Chandigarh [(2004) 2 SCC 130] .] The conceptual difference between departmental proceedings and criminal proceedings have been highlighted by this Court in several cases. Reference may be made to Kendriya Vidyalaya Sangathan v. T. Srinivas [(2004) 7 SCC 442 : 2004 SCC (L&S) 1011], Hindustan Petroleum Corpn. Ltd. v. Sarvesh Berry [(2005) 10 SCC 471 : 2005 SCC (Cri) 1605] and Uttaranchal RTC v. Mansaram Nainwal [(2006) 6 SCC 366 : 2006 SCC (L&S) 1341] .

"8. … The purpose of departmental inquiry and of prosecution are two different and distinct aspects. The criminal prosecution is launched for an offense for violation of a duty, the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental inquiry is to maintain discipline in the service and efficiency of public service.

It would, therefore, be expedient that the disciplinary proceedings are conducted and completed as expeditiously as possible. It is not, therefore, desirable to lay down any guidelines as inflexible rules in which the departmental proceedings may or may not be stayed pending trial in the criminal cases against the delinquent officer. Each case requires to be considered in the backdrop of its own facts and circumstances. There would be no bar to proceed simultaneously with departmental inquiry and trial of a criminal case unless the charge in the criminal trial is of grave nature involving complicated questions of fact and law. Offense generally implies infringement of public duty, as distinguished from mere private rights punishable under criminal law. When the trial for a criminal offense is conducted it should be in accordance with proof of the offense as per the evidence defined under the provisions of the Indian Evidence Act, 1872 [in short 'the Evidence Act']. The converse is the case of departmental inquiry. The inquiry in a departmental proceeding relates to conduct or breach of duty of the delinquent officer to punish him for his misconduct defined under the relevant statutory rules or law. That the strict standard of proof or applicability of the Evidence Act stands excluded is a settled legal position. … Under these circumstances, what is required to be seen is whether the departmental inquiry would seriously prejudice the delinquent in his defense at the trial in a criminal case. It is always a question of fact to be considered in each case depending on its own facts and circumstances."

27. This Court ***in Depot Manager, A.P. State Road Transport Corporation v. Mohd. Yousuf Miya & Ors., (1997) 2 SCC 699,*** *held that in the disciplinary proceedings, the question is whether the respondent is guilty of such conduct as would merit his removal from service or a lesser punishment. It was held as under:*

"7. …There is yet another reason. The approach and the objective in the criminal proceedings and the disciplinary proceedings is altogether distinct and different. In the disciplinary proceedings, the question is whether the respondent is guilty of such conduct as would merit his removal from service or a lesser punishment, as the case may be, whereas in the

criminal proceedings the question is whether the offences registered against him under the Prevention of Corruption Act (and the Penal Code, 1860, if any) are established and, if established, what sentence should be imposed upon him. The standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are entirely distinct and different. Staying of disciplinary proceedings pending criminal proceedings, to repeat, should not be a matter of course but a considered decision. Even if stayed at one stage, the decision may require reconsideration if the criminal case gets unduly delayed." (Emphasis Supplied)

28. Mr. Yadav, learned counsel for the writ petitioner has submitted that during the pendency of the writ petition before the High Court, 9 (1997) 2 SCC 699 the appellants were given opportunity to produce the registers of the entrustment of S.L.R. to the writ petitioner. But it was stated that record was not available being an old record as the incident was of 1993. The enquiry was initiated in 2013 after the acquittal of the writ petitioner from the criminal trial. Therefore, in the absence of the best evidence of registers, the oral evidence of use of official weapon stands proven on the basis of oral testimony of the departmental witnesses. 29. The burden of proof in the departmental proceedings is not of beyond reasonable doubt as is the principle in the criminal trial but probabilities of the misconduct. The delinquent such as the writ petitioner could examine himself to rebut the allegations of misconduct including use of personal weapon. In fact, the reliance of the writ petitioner is upon a communication dated 1.5.2014 made to the Commandant through the inquiry officer. He has stated that he has not fired on higher officers and that he was out of camp at the alleged time of incident. Therefore, a false case has been made against him. His further stand is that it was a terrorist attack and terrorists have fired on the Camp. None of the departmental witnesses have been even suggested about any terrorist attack or that the writ petitioner was out of camp. Constable D.K. Mishra had immobilized the writ petitioner whereas all other witnesses have seen the writ petitioner being immobilized and being removed to quarter guard. PW-5 Brij Kishore Singh deposed that 3-

> *4 soldiers had taken the Self-Loading Rifle (S.L.R.) of the writ petitioner in their possession. Therefore, the allegations in the chargesheet dated 25.2.2013 that the writ petitioner has fired from the official weapon is a reliable finding returned by the Departmental Authorities on the basis of evidence placed before them. It is not a case of no evidence, which alone would warrant interference by the High Court in exercise of power of judicial review. It is not the case of the writ petitioner that there was any infraction of any rule or regulations or the violation of the principles of natural justice. he best available evidence had been produced by the appellants in the course of enquiry conducted after long lapse of time."*

30. A writ Court has the jurisdiction in such proceedings, to only ensure that the person aggrieved has been given a proper hearing and that principle of natural justice was followed while deciding the case and as to whether the punishment given is in proportionate to the offence committed. A writ Court cannot go into the details of evidence recorded and as to the discrepancies of the said finding and proceedings conducted by a disciplinary authority.

31. **In the present case** the order of the disciplinary authority is based on the materials on record, and on proper appreciation of evidence. No perversity is seen in the impugned order and the principle of natural justice has been followed. There has been no abuse of the process of law.

32. Thus the award dated 18th December, 2024 passed by the learned 2nd Labour Court, West Bengal in Case No. 07 of 2014 under Section 10(1B)(d) of the Industrial Disputes Act, 1947, **is set aside.**

33. WPA 10322 of 2025 is allowed.

34. Applications, if any, connected thereto stand disposed of consequently.

35. Photostat certified copy of this Judgment, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Shampa Dutt (Paul), J.)