

23.09.2026
Item no. 3
Court no. 30
G.b./Piya

WPA 4598 of 2026

**M/s. Zydus Health Care Ltd.
Vs.
The State of West Bengal & Anr.**

Mr. Anurag Lakhotia
Mr. Asish Kr. Das
Mr. Md. Baharuzzaman
Mr. Sunny Nandy
Ms. Y. Tiwari

....For the Petitioner

Mr. Balaram Patra
Mr. Suvadip Bhattacharjee

....For the Respondent No.2

1. The writ application has been preferred being aggrieved by an award dated 04.12.2025 passed by the learned 7th Industrial Tribunal, West Bengal in case no. 22 of 2021, wherein the learned Tribunal on passing the impugned award, has been pleased to hold as follows:-

“That the instant case being No. 22/2021 u/s. 10(1B)(d) of the Industrial Disputes Act, 1947 be and the same is allowed on contest but without any order as to costs against the OP/Company. The letter of chargesheet cum Order of dismissal dated 06.06.2020 (Exhibit-7) is set aside being bad, illegal and unjustified.

The applicant/ workman is entitled to be reinstated in service with effect from 06.06.2020 with full back wages along with all other consequential benefits thereto arising out of such reinstatement and continuity of service and the service of the

applicant/ workman shall be deemed to be continuous service without any break.

The OP/Company is directed to pay full back wages along with all other consequential benefits thereto arising out of such reinstatement till the date of reinstatement and also other benefits being paid to other workman/ workmen under various beneficial, welfare and/or benevolent schemes of the OP/company. The OP/Company is further directed to ensure that the applicant/ workman is not deprived of the annual increments which fell due from time to time since 06.06.2020.

The OP/Company is also directed to pay all the dues and outstanding as directed by this Tribunal with interest 10% per annum within thirty days from the date of this order.

The aforesaid is the Award of this Tribunal passed in this instant case no. 22/2021/10(1B)(d)."

2. The petitioner herein being aggrieved with the said award on the ground that **the petitioner was not granted liberty to adduce its principal witness in evidence, before the Tribunal, being victim himself, namely, Mr. Subhabrata Dutta, Senior Business Manager has preferred the writ application.**
3. It is submitted that the petitioner's prayer for adducing Mr. Dutta as a witness being the victim, (principal witness) was turned down citing that the petitioner herein was causing delay.
4. In course of hearing this Court allowed an application under Section 17B of the Industrial

Disputes Act and the workman is receiving his last drawn wages amounting to Rs.37,024.30/-.

- 5.** Mr. Majumder, learned senior counsel appearing for the private respondent no.2 submits that the prayer of the petitioner for being given an opportunity to adduce Mr. Dutta as a witness may be allowed, on condition that the employee be paid sustenance allowance till disposal of the case before the Tribunal for hearing afresh on adducing the said witness.
- 6.** On hearing the parties and on perusal of the materials on record, this Court finds that the victim in the case before the Tribunal was a vital witness and as such the petitioner should be given an opportunity to have the said witness examined, in evidence before the Tribunal.
- 7.** Thus, the writ application is disposed of, on setting aside of the impugned award passed by the 7th Industrial Tribunal, West Bengal in case no. 22 of 2021, with a direction that the Tribunal shall permit the petitioner to adduce Mr. Subhabrata Dutta, Senior Business Manager as a witness in the present case being OPW - 2 and the respondent/employee shall get an opportunity to cross-examine the said witness.
- 8.** On the said witness being examined, the learned Tribunal shall proceed to hear the arguments of

the parties afresh on the basis of the evidence already on record and also the freshly adduced evidence and then shall proceed to pass a fresh award in accordance with law.

9. It is further directed that till the disposal of the case by the learned tribunal, the petitioner herein shall continue to pay the **sustenance allowance** (last drawn wages) of Rs. 37,024.30/-, every month to the respondent no. 2/employee, which is conditional for remanding the case back to the Tribunal.
10. **WPA 4598 of 2026 is disposed of.**
11. Applications, if any, connected thereto stand disposed of consequently.
12. Interim order, if any, stands vacated.
13. Photostat certified copy of this Order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Shampa Dutt (Paul), J.)