

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L) No. 4810 of 2012

Jitendra Kumar, Son of Late M.S. Nirala, resident of Qr. No. B-295,
Sector-III, Dhurwa, P.O. Dhurwa, Police Station Jagannathpur,
District Ranchi

... .. **Petitioner**

Versus

1. The General Manager (HRD), INTAS Pharmaceuticals Limited, 2nd Floor, Chinubhai Centre, Off-Nehru Bridge, Ashram Road, Ahmedabad- 380009 (Gujrat), P.O. + P.S. – Navrangpura, Dist- Ahmedabad.
2. M/s. INTAS Pharmaceuticals Limited through its Chairman, Office at- 2nd Floor, Chinubhai Centre, Off-Nehru Bridge, Ashram Road, Ahmedabad- 380009 (Gujrat), P.O. + P.S. – Navrangpura, Dist- Ahmedabad.
3. Mr. R.N. Tripathy, General Manager (HRD), INTAS Pharmaceuticals Limited, 2nd Floor, Chinubhai Centre, Off-Nehru Bridge, Ashram Road, Ahmedabad- 380009 (Gujrat), P.O. + P.S. – Navrangpura, Dist- Ahmedabad.
4. N.K. Palaha, Senior General Manager, INTAS Pharmaceuticals Limited, 2nd Floor, Chinubhai Centre, Off-Nehru Bridge, Ahmedabad- 380009 (Gujrat), P.O. + P.S. – Navrangpura, Dist- Ahmedabad.
5. Nimish Chudger, Director, INTAS Pharmaceuticals Limited at Second Floor, Chinu Bhai Centre, Off-Nehru Bridge, Ashram Road, Ahmedabad (Gujarat), P.O. + P.S. – Navrangpura, Dist- Ahmedabad.

... .. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner	: Mrs. Vandana Singh, Advocate
	: Mr. Rajesh Kumar, Advocate
For the Respondents	: Mr. Rakesh Kumar Sinha, Advocate

22/06.04.2026

Heard the learned counsels appearing on behalf of the parties.

2. This writ petition has been filed for the following reliefs:

“For the issuance of an appropriate Writ(s)/Order(s)/Direction(s) setting aside the Order dated 26th March, 2012 passed in B.S. Case No. 3 of 2002 passed by Sri Nageshwar Prasad, learned Presiding Officer, Labour Court, Ranchi whereby and whereunder he has dismissed the complaint filed by the Petitioner under Section 26 of the Bihar Shops and Establishment Act, 1953 read with rule 21 of the Bihar Shops and Establishment Rules 1955 whereby and whereunder a prayer had been made by the Petitioner to set aside the Order dated 5.12.2001 terminating his services and

further prays for re-instatement with full back wages and monetary compensation.”

3. This writ petition has been filed challenging the order dated 26.03.2012 passed in B.S. Case No. 3 of 2002 by the learned Presiding Officer, Labour Court, Ranchi whereby he has dismissed the complaint filed by the petitioner under section 26 of the ***Bihar Shops and Establishment Act, 1953 (hereinafter referred to as the ‘Act of 1953’)*** read with rule 21 of the Bihar Shops and Establishment Rules 1955 holding that the case itself was not maintainable under the provisions of the Act of 1953.

4. Learned counsel for the petitioner, while assailing the impugned order, has submitted that *on the one hand* the case has been held to be not maintainable and *on the other hand*, the learned court has also entered into the merit of the case to some extent by holding that the petitioner was holding a managerial post.

5. She has submitted that as per the case of the petitioner, he was working as medical representative who are termed as “Sales Promotion Employees” as per Sales Promotion Employees (Conditions of Service) Act, 1976.

6. The learned counsel submits that as per the provision of the Sales Promotion Employees (Conditions of Service) Act, 1976, the appropriate remedy is under the Industrial Disputes Act, 1947. She submits that it would be suffice to observe that if the petitioner avails the appropriate remedy through Industrial Disputes Act, the observations made in the impugned order touching upon the status of the petitioner may not prejudice the petitioner in any manner.

7. Learned counsel for the respondents, on the other hand, has submitted that once the case has been held to be not maintainable, it has already been mentioned in the impugned order itself that there is no necessity to go into the merits of the case. He submits that if any observation to the effect that, any finding in the impugned order will not prejudice the petitioner in any manner, is made by this Court, he has no objection.

8. After hearing the learned counsel for the parties and considering the limited arguments advanced by the parties, this Court finds that the

learned labour court, after considering the materials on record, has held that the case under the Act of 1953 was not maintainable. Such finding has neither been assailed during the course of hearing nor such finding arrived at by the learned court, suffers from any illegality or perversity.

9. Therefore, this Court is of the considered view that it is certainly open to the petitioner to avail the remedy as per law and it is sufficient to observe that any observation made in the impugned order with regard to the status of the petitioner will have no bearing in the adjudication of the case of the petitioner on merits, if placed before appropriate forum.

10. At this stage, it is important to observe that this case was filed before this Court on 22.08.2012 and has remained pending.

11. This writ petition is disposed of with the aforesaid observations.

12. Pending interlocutory application, if any, is dismissed as not pressed.

13. Let this order be communicated to the learned court concerned through 'FAX/email'.

(Anubha Rawat Choudhary, J.)

Date of order: 06.04.2026

Pankaj

Date of uploading:09.04.2026