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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS /61/2025
IA No. GA/1/2025

GLENMARK PHARMACEUTICALS LIMITED
VS
WEST BENGAL MEDICAL AND SALES REPRESENTATIVES UNION AND
OTHERS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : June 20, 2025.

Appearance:
Mr. Dhruva Ghosh, Sr. Adv.
Mr. Ajit Makhijani, Adv.
Mr. Altamash Alim, Adv.
Ms. Ankita Upadhaya Agarwal, Adv.
...for the plaintiff

In Re : CS/61/2025

1. Mr. Dhruva Ghosh, learned Senior Counsel, is appearing for the plaintiff.
2. The plaintiff has filed the present suit for declaration and other reliefs.
3. Counsel for the plaintiff submits that part cause of action arose within the jurisdiction of this Court and part cause of action arose outside the jurisdiction of this Court. Accordingly, he prays for leave under Clause 12 of the Letters Patent.
4. Counsel for the plaintiff also prays for leave under Order II Rule 2 of CPC on the ground that the plaintiff is unable to assess the actual loss suffered by the plaintiff and there is a chance that in future the plaintiff may claim further damages.

5. Considered the submission made by the Counsel for the plaintiff.
Perused the materials on record.
6. Leave under Clause 12 of Letters Patent, 1865 as well as leave under Order II Rule 2 of CPC is granted.
7. Plaint is admitted subject to scrutiny by the department.

In Re : GA/1/2025

1. The plaintiff has filed the present application praying for grant of ad interim injunction.
2. The plaintiff is aggrieved about the wrongful actions of the respondents through their members, men and agents, who for some ulterior motive have initiated a series of unlawful activities against the plaintiff and its employees.
3. Counsel for the plaintiff submits that substantial market share and a long-standing presence in the industry, the plaintiff is recognized as one of the leading companies in the pharmaceutical sector and over the past two decades, it has established a strong operational base and cultivated significant goodwill among medical practitioners, hospitals, laboratories, chemists, distributors and retailers throughout the State of West Bengal.
4. Counsel for the plaintiff submits that the success of the business of the plaintiff is substantially dependent on the effective reach of its field sales representatives for the purpose of educating informing and introducing doctors and medical health care professionals about the latest trends in medicines and the products being manufactured by

the plaintiff and as such the said field sales operators are crucial and vital part of the plaintiff's survival.

5. It is submitted that on 24th July, 2024, a systemic attempt has been made to disrupt the business of the plaintiff by persons claiming to be affiliated with the defendants by physically assaulting and unlawfully obstructing the employees of the plaintiff from discharging their official duties. In several instances, such employees have also sustained grievous injuries. These acts have been willfully perpetrated by individuals identifying themselves as members and /or office bearers of defendants and allegedly acting in protest against the termination of services of one, Mr. Siladitya Chatterjee.
6. Counsel for the plaintiff submits that the said termination was carried out by the plaintiff strictly in accordance with law after following due process and on the grounds of serious misconduct, including gross insubordination and physical assault upon senior officials of the plaintiff company.
7. Counsel for the plaintiff submits that due to business exigencies, operational reorganization and the optimal deployment of human resources, a bona fide decision was taken by the management of the plaintiff to transfer the said ex-employee from Tamluk Headquarters. The decision was duly communicated to the ex-employee vide Transfer Letter dated July 6, 2022, which clearly sets out the terms and reporting structure, whereby the ex-employee was directed to report to the District Sales Manager, Jeypore.
8. Counsel for the plaintiff submits that the Union is neither recognized union under any scheme nor has it been accorded any official status

or recognition by the plaintiff. He submits that union has no locus to interfere with the internal administrative and business decisions of the plaintiff. He submits that it is prerogative of transfer and deployment of employees lies exclusively with the management, especially in private organizations, subject to the terms and conditions of the employment contract.

9. Counsel for the plaintiff submits that the plaintiff has lodged multiple formal complaints with various police stations across the State of West Bengal, including Posta Police Station, Amherst Street Police Station and New Market Police Stations. He submits that despite filing detailed and comprehensive complaints and making several representations, the police authorities are not taking any action due to which the plaintiff is facing great difficulties.
10. Counsel for the plaintiff submits that since the law enforcement failed to act with urgency and efficacy, the plaintiff was compelled to invoke the writ jurisdiction of this Hon'ble Court by filing Writ Petition and this Court passed an order directing the Police Authorities to ensure on receipt of complaints of any manner or the other the representatives or agents of respondent company are not hindering from carrying out day to day activities in the regular course of business.
11. Counsel for the plaintiff submits that in spite of the order passed by the High Court, police authorities are not taking any steps and the respondents are invading and threatening to invade the plaintiff's right to carry on its business in West Bengal.

12. Counsel for the plaintiff submits that unless and until an interim order is passed by restraining the respondents their men, agents and servants from interfering in running of the business of the plaintiff and its employees in Kolkata and throughout the State of West Bengal, the plaintiff will be prejudiced.
13. Counsel for the plaintiff submits that earlier also similar situation arose and one of the company has filed civil suits before this Court and this Court passed an interim order restraining the respondents from interfering with the work of the plaintiff.
14. Heard learned Counsel for the respective parties. Perused the materials on record.
15. This Court finds that the plaintiff has filed the present suit against the wrongful action of the respondents and their members, agents who are unlawful restraining the plaintiff and employees to perform their work smoothly.
16. It is found that the plaintiff has filed several complaints before the different police stations but till date the police authorities are not taking any action.
17. Counsel for the plaintiff also filed writ application before the High Court and the High Court has also passed directions upon the police authorities for taking appropriate steps but in spite of the same, the respondents are harassing the plaintiff and not allowing the plaintiff to perform their work smoothly due to which the plaintiff is facing great difficulties.
18. In view of the above, this Court finds that the plaintiff has made out a prima facie case and balance of convenience and inconvenience is

in favour of the plaintiff and if at this stage, an ad interim order is not granted, the plaintiff will suffer irreparable loss and injury.

19. In view of the above, prayers (a) and (e) of the present application is allowed.
20. The plaintiff is directed to serve the copy of the plaint, documents along with present application and supplementary affidavit to the defendants immediately and to file affidavit of service on the next date fixed.
21. The interim order are continued till 23rd July, 2025.
22. List this matter on 23rd July, 2025.

(KRISHNA RAO, J.)

Sbghosh