

12.03.2026

Sl. No.5.

D/L.

Mithun.

Ct.No.29.

CRR/1132/2026

Ashok Kumar Pandey
Vs.
The State of West Bengal & Anr.

Mr. Amar Dudhwewala,
Mr. Karan Dudhwewala

...for the petitioner

The petitioner herein has prayed for a direction for expeditious disposal of the proceeding of Complaint Case No.CS/23146/2017 under Sections 33C(1) of the Industrial Disputes Act, 1947 presently pending before learned Judicial Magistrate, 16th Court, Calcutta

An application before the Industrial Tribunal under Section 33C(2) of the Industrial Disputes Act, 1947 was filed praying for the determination of the money due and payable by the opposite party no.2 to the petitioner. By an order dated 1st September, 2015, the said application was disposed of by the Tribunal directing the opposite party no.2 to pay a sum of Rs.17,80,218/- to the petitioner. In the meantime, a certificate dated 08.02.2017 was also issued by the Labour Department for recovery of the said amount by the opposite party no.2 to the petitioner. Since the opposite party no.2 was not complying with order dated 01.09.2015, the Deputy Labour Commissioner filed a petition of complaint under section 33C(1) of Industrial Disputes Act for recovery of the said amount.

Learned Chief Judicial Magistrate, Calcutta upon receipt of the aforesaid petition of complaint, was pleased to take cognizance and was pleased to transfer the Court to the 16th Court at Calcutta. Thereafter

several orders were passed by the learned Tribunal to make payment to the petitioner by the opposite party no.2 who failed to comply with the said order and ultimately the Trial Court by an order dated 20th February, 2019 was pleased to issue an attachment order against the opposite party no.2 thereby directing Officer-in-Charge of Bowbazar Police Station to submit a report to that effect. The report was submitted on 2nd July, 2019 and the order of attachment was pending since 2019.

Thereafter a fresh order or attachment was passed on 28th July, 2025 against the opposite party no.2 and learned Counsel for the petitioner submits that more than 9 years have passed since the filing of the instant case and several orders have been passed thereby issuing order of attachment against the opposite party no.2 but despite the same, opposite party no.1 has not been able to recover the said due sum of money from the opposite party no.2.

In this context, learned Counsel for the petitioner submits that on perusal of Section 33C of the ID Act, it would reveal that upon filing of the complaint, the concerned Magistrate shall proceed to realize/recovery said amount as if it were a fine imposed by such Magistrate. Section 461 of the BNSS lays down the procedure of realization of the fine by a Magistrate. However, in the instant case, the procedure has not been followed till date and the Trial Court is proceeding under Section 84 and 85 of the BNSS which is contrary to Section 33C of the Industrial Dispute Act.

Having heard learned Counsel for the petitioner and considering the long pendency of the application, I find that the prayer made by the petitioner is innocuous and if any order is passed in terms of the prayer made therein, the opposite party will have no cause to prejudice and, as

such, service of copy of application upon the opposite party is dispensed with.

Since the matter is pending for about 9 years, the prayer is quite justified and required to be allowed for the ends of justice invoking this Court's jurisdiction under Section 529 of the BNSS.

In such view of the matter, the instant application being CRR 1132 of 2026 is hereby disposed of with a direction upon the Court below to make every endeavour to dispose of the Complaint Case being No.CS/23146/2017 as expeditiously as possible following the procedure laid down in the Industrial Dispute Act and relevant provision in the BNSS and to conclude the entire procedure preferably within 60 days from the date of communication of this order.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)