

12.03.2026

Sl. No.6.

D/L.

Mithun.

Ct.No.29.

CRR/1133/2026

Dilip Kumar Dey

Vs.

The State of West Bengal & Anr.

Mr. Amar Dudhwewala,
Mr. Karan Dudhwewala

...for the petitioner

This is an application wherein petitioner has prayed for expeditious disposal of the proceeding of Complaint Case No.CS/55298/2018 under Section 33C(1) of the Industrial Disputes Act, 1947 presently pending before learned Judicial Magistrate, 16th Court, Calcutta.

The Labour Commissioner had made an application before the Industrial Tribunal for sanction of the dismissal of the petitioner from employment by a letter dated 13th February, 2003 and by an order dated 13th August, 2014, the said application of the opposite party was dismissed. Pursuant to that order, the petitioner was entitled to be reinstated with full back wages and other consequential benefits arising out of the continued employment. However, since the opposite party was not reinstated, he filed an application before the Tribunal thereby praying for the determination of the money due and payable by the opposite party no.2 to the petitioner being Computation Case No.47 of 2014. By an order dated 09.05.2016, the said application was disposed of by the learned Tribunal thereby directing the opposite party no.2 to pay a sum of Rs.13,45,744/- to the petitioner. In the meantime, a certificate dated

11.09.2017 was also issued by the Labour Department for recovery of the said amount payable by the opposite party no.2 to the petitioner.

Since the opposite party no.2 was not complying with the said order dated 09.05.2016, the Deputy Labour Commissioner filed a petition of complaint under the aforementioned section of Industrial Disputes Act for recovery of the said amount. Thereafter, attachment order was passed and the opposite party no.2 made a meagre payment of Rs.40,000/- to the petitioner. The total amount to be recovered is Rs.13,45,744/- but the opposite party no.2 is avoiding to make payment to the petitioner and after waiting for almost eight years, the petitioner filed an application for attachment. Despite filing the said application before the Court and after long lapse of time on 28.07.2025, a fresh order of attachment was issued against the opposite party no.2 without recording any submission made by the petitioner.

However, even after expiry of eight years since the filing of the instant case and though several orders have been passed thereby issuing orders of attachment against the opposite party no.2 but the opposite party no.1 has not been able to recover the due payment from the opposite party no.2 as they are sitting tight after making payment of aforesaid meagre sum.

In this context, learned Counsel for the petitioner submits that in order to realize/the recover amount, learned Trial Court ought to have passed necessary direction in terms of Section 461(1)(b) of the BNSS thereby issuing a warrant upon the collector of the district authorising him to realise the amount as arrears of land revenue from the movable or immovable property of the opposite party no.2. However, no such directions have been passed despite the initiation of the instant execution proceedings in the year 2018.

Having heard learned Counsel for the petitioner it appears that the prayer made by the petitioner is justified in terms of its long pendency and since the prayer made by the petitioner is innocuous and if the application is disposed of without serving notice to the opposite parties, the opposite party will have no cause to prejudice and, as such, service of copy of application upon the opposite party is dispensed with.

In such view of the matter, the instant application being CRR 1133 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/55298/2018 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.)