

**12.03.2026**

Sl. No.7.

D/L.

Mithun.

Ct.No.29.

**CRR/1134/2026**

**Surya Bhan Pandey**  
**Vs.**  
**The State of West Bengal & Anr.**

Mr. Amar Dudhwewala,  
Mr. Karan Dudhwewala

...for the petitioner

This is an application for a direction for expeditious disposal of the proceeding of Complaint Case No.CS/2901/2019 under Section 33C(1) of the Industrial Disputes Act, 1947 presently pending before learned Judicial Magistrate, 16<sup>th</sup> Court, Calcutta.

The opposite party no.2 had made an application before the Industrial Tribunal for sanction of the dismissal of the petitioner from employment by a letter dated 07.02.2003. The said application of the opposite party no.2 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 did not reinstate the petitioner and prevented him from joining service, he filed an application before the Industrial Tribunal under Section 33C(2) of the Industrial Disputes Act, 1947 praying for the determination of the money due and payable by the opposite party no.2 to the petitioner being Computation Case no.18 of 2025. By an order dated 05.02.2016, the Tribunal directed the opposite party no.2 to pay a sum of Rs.18,79,568/- to the petitioner. In the meantime, a certificate dated 11.09.2017 was issued by the Labour Department for recovery of the said amount payable by the opposite party

no.2 to the petitioner but as the opposite party no.2 was not complying with the said order dated 05.02.2016, the Deputy Labour Commissioner filed a petition of complaint under section 33C(1) of Industrial Disputes Act for recovery of the said amount being Complaint Case No.CS/2901/2019. The concerned Magistrate was pleased to take cognizance and several orders were passed by the Court below to make payment to the petitioner by the opposite party no.2 who failed to comply the same.

Thereafter on 22.06.2023 the opposite party no.2 made a meagre payment of Rs.50,000/- to the petitioner. Thereafter on 10.06.2025, the opposite party no.2 again paid a measure sum of Rs.27,956/- to the petitioner.

Even after waiting for almost seven years, the petitioner filed an application for attachment before the Trial Court and a fresh order of attachment was issued on 28<sup>th</sup> July, 2025.

Learned Counsel for the petitioner in this context submits that the concerned Magistrate has jurisdiction to proceed for realization and recovery of the amount as if it were a fine imposed by such Magistrate. Section 461 of the BNSS lays down the procedure of realization of fine by a Magistrate. However, in the instant case, the said procedure has not been followed till date on the contrary, the learned Court below is proceedings in the instant case under Section 84 and 85 of the BNSS which is contrary to Section 33C of the Industrial Dispute Act and for which it causes unnecessary delay in disposal of the application.

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 1134 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/2901/2019 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. )**