

**12.03.2026**

Sl. No.8.

D/L.

Mithun.

Ct.No.29.

**CRR/1135/2026**

**Rama Mishra**

**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 a direction for expeditious disposal of the proceeding of Complaint Case No.CS/18984/2019 under Section 33C(1) of the Industrial Disputes Act, 1947 presently pending before learned Judicial Magistrate, 16<sup>th</sup> Court, Calcutta.

The petitioner is the widow of one Trijugi Narayan Mishra who was a workman of opposite party and said Trijugi Narayan Mishra died on 06.12.2016 and after his death, the petitioner by order dated 17.02.2024 passed by learned Judicial Magistrate, 16<sup>th</sup> Court, Calcutta has been substituted in place of late Trijugi Narayan Mishra.

The opposite party no.2 had made an application before the Industrial Tribunal for sanction of the dismissal of the petitioner's husband from employment by a letter dated 13.02.2002 but by an order dated 13.08.2014 passed by the learned Judge, the said application of the opposite party was dismissed. Pursuant to that order, the petitioner's husband was entitled to be reinstated with full back wages and other consequential benefits arising out of the continued employment. However, since the opposite party no.2 did not reinstate the petitioner's husband 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.36 of 2014. By an order dated 19.05.2016, the Tribunal directed the opposite party no.2 to pay a sum of Rs.17,78,801/ to the petitioner's husband. 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's husband but since the opposite party no.2 was not complying with the said order, the Deputy Labour Commissioner filed a petition of complaint under the aforementioned section of Industrial Disputes Act for recovery of the said amount being Complaint Case No.CS/18984/2019. The concerned Magistrate was pleased to take cognizance and several orders were passed by the Court below to make payment to the petitioner's husband by the opposite party no.2 who failed to comply the same and for which the Trial Court by an order dated 20.06.2022 was pleased to issue a distress warrant against the opposite party no.2. Thereafter, several dates were fixed by the Trial Court but no payment was made by opposite party no.2 and, as such, by an order dated 04.09.2023, the Trial Court was pleased to issue a fresh order of attachment against the opposite party no.2. After issuing such fresh order of attachment, the opposite party no.2 made a meagre payment of Rs.30,000/- to the petitioner.

It is submitted on behalf of the petitioner that after waiting for almost nine years, the petitioner on 10.06.2025 filed an application for attachment before the learned Trial Court and also for appropriate directions for attachment of the properties of the opposite party no.2 in order to recover the said due amount and thereafter a fresh order of attachment was issued on 28.07.2025. He further submits that the

concerned Magistrate have jurisdiction to proceed for realization and recovery of the amount as if it were a fine imposed by such Magistrate and Section 461 of the BNSS lays down the procedure of realization of fine by a Magistrate. However, in the instant case, the procedure laid down under Section 461 of the BNSS has not been followed till date. On the contrary, the Magistrate is proceeding in the instant case under Section 84 and 85 of the BNSS which is contrary to Section 33C of the Industrial Dispute Act, which unnecessary causes delay in disposal of the application. Therefore, the petitioner prays for a direction upon the Court below for expeditious disposal of the proceeding.

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 1135 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/18984/2019 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. )**

