

05.12.2025  
Court No.13  
Item No.3  
AP

**FMA 1129 of 2025  
With  
CAN 1 of 2025**

**Serampore Municipality  
Vs.  
Jiban Chandra Das and Ors.**

Mr. Gautam Lahiri

.... For the Appellant.

Ms. Senjuti Sengupta  
Mr. R. Guha Thakurta  
Mr. P.C. Maity

.... For the Respondent No.1.

1. Serampore Municipality has preferred this appeal against an order passed by a Single Bench of this Court dated 6<sup>th</sup> May, 2025. The writ petition was filed by an ex-employee of the Serampore Municipality seeking enforcement of the order dated 31<sup>st</sup> January, 2017 under Sub Section (1) of Section 33C of the Industrial Disputes Act, 1947 passed by an appropriate Government.

2. By the said order a sum of Rs.93,158/- was directed to pay to the respondent/writ petitioner together with interest at the rate of 10 percent per annum till the date of actual payment and issued a certificate to the Chief Judicial Magistrate, Hooghly for recovery of Rs.93,158/- together with interest at the rate of 10 percent till the date of actual payment. A fine was imposed on the Chairman of the Serampore Municipality for non-compliance of the order under Section 33C(2) of the Industrial Disputes Act, 1947.

3. The Single Bench merely directed the Municipality to comply with the order dated 31<sup>st</sup> January, 2017 within two months.

4. Learned counsel for the Municipality challenges the order on the ground that the order passed by the Chairman of the Municipality forthwith three annual increments of the writ petitioner was appealable before the Board of Councilors and the matter could not have been referred to the Industrial Tribunal for adjudication.

5. It is now well-settled that principle of alternative remedy is not absolute and a workman can always approach the Industrial Tribunal notwithstanding availability of alternative remedy in given facts and circumstances of the case.

6. Since the Tribunal has entertained the claim of the workman, it is inappropriate for the Municipality to now question the jurisdiction of the Tribunal to entertain the dispute raised by the writ petitioner.

7. The matter in any event has been set to rest in the order dated 3<sup>rd</sup> September, 2013 passed by a coordinate Bench in an appeal filed by the Serampore Municipality being FMA 481 of 2011.

8. In that view of the matter, the impugned order calls for no interference.

9. Hence, FMA 1129 of 2025 is dismissed. Consequently, connected pending application being CAN 1 of 2025 is also dismissed.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**