

04.03.2021
Ct. No.13
Sl. Nos.14-15
akd

R.V.W. 139 of 2018 [via video conference]
CAN 1 of 2018 (Old CAN 7128 of 2018)
CAN 2 of 2018 (Old CAN 7129 of 2018)
in
W.P.A. 6778 of 2018

[Ajoy Gangopadhyay & Ors. -Vs- The Union of India & Ors.]

Mr. Partha Sarathi Bhattacharyya
Mr. Debasis Basu
Mr. Debasish Saha
Mr. Raju Bhattacharyya
Mr. Arunava Maiti

... for the applicants-petitioners

Mr. Joytosh Majumder .. Ld. Govt. Pleader
Mr. Pinaki Dhole
Ms. Kakali Samajpaty

... for the State

In Re : CAN 1 of 2018 (Old CAN 7128 of 2018)

This application has been filed seeking condonation of delay of 36 days in filing the review application.

Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.

Accordingly, CAN 1 of 2018 (*Old CAN 7128 of 2018*) is allowed.

In Re : R.V.W. 139 of 2018
with
CAN 2 of 2018 (Old CAN 7129 of 2018)

Review is sought of order dated 19th June, 2018 passed in W.P. 6778(W) of 2018 by a coordinate Bench of this court (Dr. Sambuddha Chakrabarti, J.). Review is sought indicating alleging errors apparent in the face of the record in so far as the coordinate Bench had held that the petitioners were Laboratory

Technicians under the RNTC Programme which was a time bound programme.

Mr. Bhattacharyya, learned counsel appearing for the applicants-petitioners submits the same is incorrect and that the said RNTC Programme of the Central Government being implemented under the State, is not a time bound affair and that the same was continuing since 2007 even till date.

This Court notes that by a very detailed and reasoned judgement the request of the petitioners for regularisation of services as permanent employees of the Government of West Bengal has been rejected.

Having considered the Annexures to the writ application and the review application, this Court is of the view that the findings of the coordinate Bench were based on records. Erroneous findings cannot be dealt with in review. No new evidence is produced. The other grounds urged in the Memorandum of Review also cannot also be accepted.

For the reasons stated hereinabove, the review application fails and is hereby dismissed.

It is submitted by Mr. Bhattacharyya, learned counsel appearing for the applicants-petitioners that in the second line of the second paragraph in the fifth page of the order, the date April 5, 2007 should be read as May 30, 2007. It is further submitted that in the sixth line of the second paragraph of fifth page of the said order, the date April 1, 2007 should be read as April 17, 2007.

Since the aforesaid corrections appear to be typographical in nature, the order dated 19th June, 2018 shall stand corrected to the extent as indicated hereinabove.

In view of dismissal of the review application, CAN 2 of 2018 (*Old CAN 7129 of 2018*) is also disposed of without any order.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(*Rajasekhar Mantha, J.*)