

20.02.2026  
Item No.23  
Ct. No. 30  
Aloke

**RVW 25 of 2026  
with  
CAN 1 of 2026  
CAN 2 of 2026  
in  
WPA 22127 of 2025**

**ESI Establishments Contractors Workers Union & Anr.  
Vs.  
State of West Bengal & Ors.**

Mr. Soumya Majumder, ld. Sr. Adv.  
Mr. Susanta Pal  
..for the petitioners

CAN 1 of 2026

1. Affidavit-of-service filed be kept with the record.
2. CAN 1 of 2026 is an application under Section 5 of the Limitation Act moved by the learned counsel for the petitioners praying for condonation of delay in filing the review application.
3. Considering the grounds as made out in the application and for the interest of justice, delay is condoned. The application being CAN 1 of 2026 is allowed.
4. CAN 1 of 2026 stands disposed of.

In re : CAN 2 of 2026

5. CAN 2 of 2026 is an application praying for necessary directions in the review application.
6. It is submitted by the learned senior counsel appearing for the petitioners that there is an error apparent in the order dated 22.09.2025 and the same is to be reviewed.

7. It appears from the record that the representation directed to be considered was addressed to the Labour Commissioner and, as such, the Court had directed the Labour Commissioner to consider the representation of the writ petitioners.

8. It is submitted that the appropriate authority is the Additional Director (Administration), ESI (ME) Scheme, W.B. & EX Officio Special Secretary to the Govt. of W.B.

9. There thus being an error apparent on the fact of the order under review, the order dated 22.09.2025 is reviewed to the extent that the petitioners herein shall make a representation before the respondent no. 6 and the Additional Director (Administration), ESI (ME) Scheme, W.B. & EX Officio Special Secretary to the Govt. of W.B., within 30 days from the date of this order, who shall consider the representation filed by the petitioners herein as per his Memo No. DESI/FC/1311 dated 14.03.2024 and order vide Memo No. DESI/FC/602 dated 24.10.2024 and dispose of the said representation within 30 days of filing of the representation, on hearing the parties and by passing a reasoned order, in accordance with law.

10. It is further directed that the authority concerned shall also give effect to the Memo No. EH/MN/1499 dated 17.03.2025, within 60 days from the date of this order.

9. The order dated 22.09.2025 is reviewed accordingly.

10. This order be read along with the order dated 22.09.2025.

11. The review application along with the CAN applications stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Shampa Dutt (Paul), J.)**