**IN THE HIGH COURT AT CALCUTTA**
**CONSTITUTIONAL WRIT JURISDICTION**
**APPELLATE SIDE**

**Present :-**

**The Hon'ble Justice PARTHA SARATHI SEN**

**RVW 241 OF 2024**

**West Bengal Gramin Bank**
**-Vs-**
**Union of India & Ors.**

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| For the Petitioners: | Mr. Soumya Majumder, Sr. Adv.<br>Ms. Surasri Baidya, Adv. |
| For PF Authority: | Mr. Shiv Chandra Prasad, Adv. |
| For Respondent No. 5: | Mr. Sailesh Mishra, Adv.<br>Mr. Prosenjit Das, Adv.<br>Mr. T.N. Jha, Adv. |
| Hearing concluded on: | 17.02.2026. |
| Judgment on: | 23.02.2026. |

**PARTHA SARATHI SEN, J.** : –

1. The instant review is at the instance of the writ petitioner. The writ petitioner seeks review of the judgment and order dated 21.06.2024 as passed by this Court in WPA 19141 of 2023 ***(Paschim Banga Gramin Bank Vs. Union of India & Ors.)***.

2. It is pertinent to mention herein that on account of an order of amalgamation dated 01.05.2025 the writ petitioner Paschim Banga Gramin Bank amalgamated with West Bengal Gramin Bank and as such the instant

review petition is at the instance of the West Bengal Gramin Bank (hereinafter referred to as the 'review petitioner' in short) and the cause title of the review petition has been amended as per leave granted by this Court.

3. At the time of hearing of the instant review petition Mr. Majumder, learned Senior Advocate appearing on behalf of the review petitioner in his usual fairness submits before this Court that the instant review petition has been filed basically on account of discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the review petitioner.

4. In course of his argument Mr. Majumder at the very outset draws attention of this Court to the supplementary affidavit as filed on behalf of the writ petitioner and as affirmed on 03.10.2024. Drawing attention to page nos. 19 to 22 of the supplementary affidavit being a copy of the judgment and order dated 25.04.2018 as passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No. (S) 38288/2012 ***(Union of India Vs. Gramin Bank Pensioners Samiti & Ors.)*** it is submitted by Mr. Majumder that from the said order dated 25.04.2013 the Hon'ble Supreme Court directed the Union of India to implement the judgment as passed in WP(C) No. 210/213 in respect of the Regional Rural Banks ('RRB' in short) expeditiously.

5. Drawing attention to page nos. 23 to 29 of the said supplementary affidavit being copies of different memos dated 13.12.2018, 13.02.2019 and 19.04.2019 as issued by the Union of India and its instrumentalities, it is submitted by Mr. Majumder that from the said office memos it would reveal that pursuant to the

direction of the Hon'ble Supreme Court the Union of India has framed and implemented Model Regional Rural Bank (Employees') Pension Regulation, 2018 and Regional Rural Bank (Employees') Pension Scheme, 2018 (hereinafter referred to as the 'said regulation' and the 'said scheme' respectively) which has been duly notified in the official gazette of India soon thereafter as would be evident from OM dated 29.04.2019. It is further submitted by Mr. Majumder that as per the said Scheme, those employees of the RRB who were in service as on 01.09.1987 and joined between 01.09.1987 and 31.03.2010 and exercised an option to be governed by the Pension Regulation would be covered under the said Scheme.

6. At this juncture, Mr. Majumder draws attention of this Court to page nos. 31 and 32 of the said supplementary affidavit being two Office Memos dated 27.12.2019 as issued by the Additional Central Provident Fund Commissioner (Compliance) and the General Manager of the review petitioner addressed to the said Regional Provident Fund Commissioner (Compliance). It is submitted by Mr. Majumder that upon getting instruction from the PF Authority the review petitioner has formulated a pension scheme namely 'Paschim Banga Gramin Bank (Employees') Pension Scheme, 2018 and established pension fund for all the employees with effect from 01.04.2018 and thus, the review petitioner has approached the PF Authority for exclusion of the review petitioner Bank from the provisions of Employees' Provident Funds and Misc. Provisions Act, 1952 (hereinafter referred to as the 'said Act of 1952' in short) in respect of those

employees of the review petitioner Bank who have opted for pensionary benefits under the said Regulation.

7. At this juncture, Mr. Majumder took me to Section 16 of the said Act of 1952. It is submitted by Mr. Majumder that Section 16 of the said Act of 1952 clearly mandates that the provisions of the said Act of 1952 would not apply to any other establishment set up under any central, provincial or State Act and whose employees are entitled to the benefits of contributory Provident Fund or old age pension in accordance with its Scheme or Rule framed under any Act within the meaning of Section 16(1) of the said Act of 1952 governing such benefits.

8. It is further submitted by Mr. Majumder that since the review petitioner Bank has formulated a pension scheme under the said Regulation and since the review petitioner Bank being a RRB under a central Act, the action of the review petitioner Bank cannot be considered in terms of the said Act of 1952 because of express exclusion as envisaged in Section 16 of the said Act of 1952.

9. Drawing attention to the judgment under review it is submitted by Mr. Majumder that since in WPA 19141 of 2023 a proceeding and order dated 25.06.2015 under Section 14 B of the said Act of 1952 was under challenge, this Court might have passed a different judgment in the event the factum of implementation of the said Regulation and the provision of Section 16 of the said Act of 1952 were brought to the notice of this Court at the time of hearing of the said writ petition.

10. It is further submitted by Mr. Majumder that due to bona fide mistake on the part of the review petitioner such an important matter could not be placed before this Court at the time of hearing of WPA 19141 of 2023 and for such reason the instant review petition has been filed before this Court.

11. It is further submitted by Mr. Majumder that since under the said Scheme an option has been sought for from those employees who would come under the purview of the said Scheme as mentioned (supra), the review petitioner Bank's liability to contribute in Employees' Provident Fund comes to a halt and, therefore, the proceeding under Section 14B of the said Act of 1952 as initiated by the PF Authority for the alleged default of the review petitioner Bank in payment of any contribution to the fund must fail and on this score the instant review petition may be allowed.

12. Per contra, Mr. Prasad learned Advocate appearing on behalf of the Union of India and PF Authorities submits before this Court that no case has been made out by the review petitioner for reviewing the judgment dated 21.06.2024 as passed in WPA 19141 of 2023 inasmuch as it would reveal from the materials placed before this Court that the proceeding under Section 14B of the said Act of 1952 was initiated by the PF authority on account of failure on the part of the review petitioner Bank to remit the contributions along with administrative charges within the period from 23.07.1998 to 22.06.2010 and 15.09.2010 to 31.10.2013 and also for not transferring the past accumulations in relation to pension funds, Provident Fund Employees Deposit Link Insurance Scheme contribution etc. whereas in terms of the order of the

Hon'ble Supreme Court dated 25.04.2018 the said Regulation of 2018 were notified in the official gazette and implemented sometimes in the year 2019. It is submitted by Mr. Prasad that for the reason stated hereinabove the instant review petition may be dismissed.

13. Mr. Mishra, learned Advocate appearing on behalf of the respondent no. 5/ UCO Bank adopted the argument of Mr. Prasad.

14. I have carefully gone through the entire materials as placed before this Court. I have given my due consideration over the submissions of the learned Advocates for the contending parties.

15. For effective adjudication of the instant review petition I at the very outset propose to look to the provision of Order 47 Rule 1 of the Code of Civil Procedure which is as under:-

> *"**1. Application for review of judgment.--** (1) Any person considering himself aggrieved-*
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> *(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
> *(b) by a decree or order from which no appeal is allowed, or*
> *(c) by a decision on a reference from a Court of Small Causes,*
>
> *and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.*
>
> *(2)……………………."*

16. On perusal of the aforementioned legislative provision it thus appears to this court that it is the legislative mandate that a review is maintainable on the following grounds:

(a) On account of discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the review petitioner

or

(b) Could not be produced by the review petitioner at the time when the decree/order was passed

or

(c) On account of some mistake or error on the face of the record

or

(d) Any other sufficient reason.

17. Undisputedly Mr. Majumder in course of his argument placed reliance upon ground '(a)' above and on no other grounds.

18. Admittedly, the documents as have been annexed with the supplementary affidavit as affirmed on 03.10.2024 were not placed at the time of hearing WPA 19141 of 2023. On careful perusal of the relevant annexures to the said supplementary affidavit it appears to this Court that sufficient materials have been placed before this Court to substantiate that pursuant to the order of the Hon'ble Supreme Court dated 25.04.2018 the Union of India has implemented the said Scheme of 2018 wherein the employees of the RRB who were in service as on 01.09.1987 and joined between 01.09.1987 and 31.03.2010 were given option to come under the coverage of the said Scheme.

19. Materials have been placed before this Court that the said Regulation of 2018 were notified in the official gazette in the year 2019.

20. The net effect of such implementation of the said Regulations of 2018 and giving option by the eligible employees to come under the said Scheme is that the said employees after exercising their option would not be governed under the said Act of 1952.

21. At this juncture, if I again look to the judgment dated 21.06.2024 as passed by this Court in WPA 19141 of 2023 more specifically paragraph 5 thereof it would reveal that the proceeding and order dated 25.06.2015 under Section 14B of the said Act of 1952 was initiated and passed on account of the failure of the review petitioner Bank to remit the contributions along with administrative charges within the period from 23.07.1998 to 22.06.2010 and 15.09.2010 to 31.10.2013 as well as on account of non-transferring past accumulations in relation to pension funds, Provident Fund, Employees' Deposit Link Insurance Scheme contribution etc. to the PF Authority.

22. Such being the position this court has got no iota of doubt that with the implementation of the said Regulation and the said Scheme, the review petitioner cannot avoid its liability in discharging its statutory obligation under the said Act of 1952 and under the Employees' Provident Funds Scheme, 1952.

23. This Court has thus no hesitation to hold that the notification of the said Regulation and implementation of the said Schemes have no manner of effect regarding the liability of the review petitioner Bank in terms of Section 14B of the said Act of 1952.

24. With the aforementioned observation the instant review petition is dismissed.

25. No order as to cost.

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

**(PARTHA SARATHI SEN, J.)**