

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

R.V.W. 256 of 2015

The State of West Bengal & Ors.
vs.
Jayanta Kumar Panda & Ors.
With
CAN 1 of 2025 (Old CAN 12153 of 2015)
in
F.M.A. 80 of 2015

For the Review Applicant : Mr. Sirsanya Bandopadhyay,
Sr. St. Counsel
Mr. Debopriyo Karan

Heard & Judgment on : **February 10, 2026**

Debangsu Basak, J.:-

1. Review applicant seeks review of the order dated September 4, 2014 passed in M.A.T. 1100 of 2014.
2. Learned Senior Standing Counsel appearing for the review applicants submits that, a Special Leave Petition was carried against the order dated September 4, 2014. Such Special Leave Petition was disposed of by the

order dated July 6, 2015. He draws the attention of the Court to the fact that the review applicants were granted liberty to place facts before the High Court to enable the High Court to reconsider the matter.

3. Learned Senior Standing Counsel appearing for the review applicants submits that, two writ petitioners approached the High Court. He draws the attention of the Court to the last two dates. He submits that, both the writ petitioners filed several writ petitions in which several orders were passed. Last of the orders of the High Court is presently under review.
4. Learned Senior Standing Counsel appearing for the review applicants submits that the Scheme in question was closed in 2003. The factum closure of the claim is accepted by the review applicants. In this regard, he draws the attention of the Court to the letters written by the writ petitioners to the authorities. He submits that the writ petitioners claimed that they were rendering services voluntarily. He submits that, once the writ petitioners claimed that they rendered services voluntarily, they cannot resile from their stated position and claim benefit of the so-called services rendered.
5. Learned Senior Standing Counsel appearing for the review applicants submits that these materials and facts are required to be reconsidered by

the High Court in terms of the order passed by the Hon'ble Supreme Court dated July 6, 2005 passed in the Special Leave Petition.

6. None appears for the writ petitioners despite notice.
7. State of West Bengal floated a Scheme under the name and style of Iswar Chandra Janachetana Kendra. The writ petitioners were discharging duties under such Scheme.
8. Admitted position is that the two writ petitioners discharged duties under the Scheme till 2003. Both the writ petitioners by two several letters both dated December 19, 2014 acknowledged that they worked till 2003 under the Scheme. Both claimed in their letters that they commenced working voluntarily since 2004. Both of them stated in their letters that they will not claim any benefits under the Scheme for their voluntary service.
9. Writ petitioners approached High Court on various occasions. The first writ petition is W.P. 543 (W) of 2004 in which an interim order dated January 15, 2004 was passed. By an order dated February 12, 2015, the High Court dismissed such writ petition being W.P. No. 543 (W) of 2004.
10. A second writ petition was filed being W.P. No. 18494 (W) of 2005 seeking direction upon the authorities to pay the admissible dues. A order to such effect was passed on January 3, 2007.

11. Writ petitioners filed several representations before the authorities on March 27, 2007, March 3, 2008, August 14, 2008 and August 18, 2008.
12. There is a writing dated March 31, 2009 of the District Magistrate who directed the concerned Block Development Officer to spend the funds lying in the account after further instructions. There is an order dated June 23, 2009 of the District Magistrate also. Authorities paid the remuneration of the writ petitioners for the period from October 2, 2003 and September 8, 2003.
13. Thereafter, there was a writ petition in which an order dated March 22, 2011 was passed requiring the authorities to pass a reasoned order. The next writ petition was filed being W.P. No. 17605 (W) of 2012 which was again disposed of by requiring the concerned Block Development Officer to pass a reasoned order.
14. Writ petitioners filed another writ petition being W.P. No. 12802 (W) of 2014 with regard to their alleged entitlement. Such writ petition was dismissed by an order dated June 11, 2014. On appeal, the order under review was passed.
15. The claim of the writ petitioners in relation to the advocacy and contingency expenses that the writ petitioners are allegedly entitled to in respect of the concerned project. The concerned Project was closed with

effect from 2003. Documents submitted with the review petition establish the same. In any event, it is the claim of the writ petitioners themselves in their two several letters noted above that the Scheme was no longer available subsequent to 2003.

16. Consequently, none of the writ petitioners are entitled to any relief with regard to the project subsequent to 2003. Claim prior to 2003 stands satisfied as noted above.
17. The order under review proceeds on the basis of the letter dated August 14, 2014 of the Block Development Officer. The letter records that there were no funds available for disbursement to the writ petitioners. This letter was construed as an admission of liability by the order under review.
18. With the deepest of respect, the order review overlooks the fact of the two letters dated December 14, 2014 issued by the writ petitioners where they claimed that they worked voluntarily subsequent to 2003.
19. The claim of the writ petitioners are for the period from 2003 to 2009 as appearing from the letter of the Block Development Officer dated August 18, 2014. There is nothing on record to suggest that the Scheme in question was under operation during this period of time. Authorities cannot be

directed to pay the writ petitioners under a Scheme which was not in vogue for the period of 2003 to 2009.

20. Consequently, on the basis of the materials noted above, we allow the memorandum of review. The order under review did not take into consideration the materials as placed before us and as noted in this judgment and order. The order of the Hon'ble Supreme Court dated July 6, 2005 permitted the review applicant to draw the facts before the High Court and permitted the Court to reconsider the matter which we did. Coordinate Bench allowed the review applicants to file supplementary affidavit bringing on record new materials which the review applicants did.

21. In such conspectus, we allow the prayer for review. On review, therefore, the appeal of the writ petitioners stand dismissed. Direction contained in the order under review is, therefore, recalled.

22. **R.V.W. 256 of 2015** and the connected application being **CAN 1 of 2015** are **disposed of.**

(Debangsu Basak, J.)

23. I agree

S.D.

(Md. Shabbar Rashidi, J.)