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ORDER SHEET
WPO No.452 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

JEETENDRA THAKUR
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :
The Hon'ble JUSTICE AMRITA SINHA
Date: 1st August, 2024.

Appearance:
Mr. Bhaskar Mukherjee, Adv.
...for Petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Arijit Dey, Adv.
...for KMC.

Mr. Chiranjib Sinha, Adv.
Mr. Satyam Mukherjee, Adv.
...for Respondent Nos.4 & 5.

Mr. Debangshu Dinda, Adv.
...for the State.

The Court:-The petitioner claims to be the younger brother of one Hari Nandan Thakur, who was appointed on compassionate ground in the Kolkata Municipal Corporation. The petitioner was a minor when the appointment was given in favour of his elder brother. It has been submitted that appointment on compassionate ground was given so that family may tide over the financial crisis.

According to the petitioner, his brother never took care of him and threw him out of his house. The petitioner claims that his brother was facing financial crisis and took a loan from him in the month of December, 2023. In January, 2024 his brother expired and the heirs of his deceased brother are not repaying him the loan.

The petitioner submits that his brother did not take care of him when he was in employment. Accordingly, direction ought to be given to the Corporation to pay off the dues of the petitioner from the terminal benefits of his deceased brother.

Learned advocate representing the private respondents denies the execution of the loan agreement.

Learned advocate representing the Corporation submits that it is an absolute private dispute between the two brothers and the writ Court ought not to interfere in such dispute.

I have heard the submissions made on behalf of all the parties.

Admittedly, in the instant case, appointment was given to the brother of the petitioner, being the son of the deceased employee, on compassionate ground way back in the year 1999. The petitioner never raised an issue with regard to his non-maintenance by his brother. The petitioner was minor when the appointment was given to his brother. Currently, the petitioner is 37 years of age. Only after the death of his brother in January, 2024 the issue of non-maintenance is sought to be raised.

The Court is of the opinion that had the petitioner really felt that he was not taken care of by his brother, he ought to have approached the Court at an earlier point of time. After so many years and after the death of the employee in January, 2024, the petitioner has, for the very first time, raised an issue of non-maintenance.

At such a delayed point of time there is hardly any scope to pass any order upon the Corporation to take remedial measures in this matter.

The loan agreement which the petitioner alleges is denied by the learned advocate representing the private respondent. If at all there is any loan agreement then the petitioner ought to have approached the civil Court for remedy. Invocation of the writ jurisdiction for refund of the personal loan amount from the terminal dues of the deceased employee is impermissible.

The writ petition fails and is hereby dismissed.

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

(AMRITA SINHA, J.)

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