

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22592 of 2011

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1. Ashok Kumar Gupta S/O Late Deonarayan Pd. Gupta R/O Mohalla - Jaiprakash Nagar (Ward No.) 12, Old Hospital Chowk, P.O. + P.S.- Khagaria And Distt.- Khagaria.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Special Deputy Secretary Department Of Special Home, Govt. Of Bihar, Old Secretariat, Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav

For the Respondent/s : Mr. Roy Shivaji Nath AAG3

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 01-10-2015

Heard the Counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of the concerned respondents.

The writ application seeks direction upon the respondents to consider his case for grant of Pensionary benefits under the J.P. Samman Yojna for having suffered incarceration between the period which qualify for grant of such Samman.

It is the case of the petitioner that pursuant to the notice published by the respondent, he too applied for the J.P. Senani Pension but could not receive any response. Having found so, he filed a representation before the appropriate authority, which too, has not been considered and disposed of.

In the counter affidavit, the respondent has delineated in

detail the eligibility for grant of J.P. Pension. Counsel for the State has pointed out that the writ petition does not state the period for which he remained in custody or has been in custody under MISA or DIR. However, it appears from the counter affidavit that whether the case of the petitioner was considered or not has not been disclosed.

Counsel for the petitioner states that in some other writ petitions raising similar/identical relief, have been disposed of permitting the petitioner to pursue his representation directing the concerned respondent State to consider the representation of the petitioner in accordance with law. One of such order passed in C.W.J.C. No. 21737 of 2013 has been produced for perusal.

Without expressing any view on the claim of the petitioner, this Court disposes of the present application by directing the concerned respondent of the State to consider the representation of the petitioner and dispose of the same in accordance with law. The petitioner undertakes to file a fresh representation within two weeks along with a copy of the order before the Special Deputy Secretary, Department of Special Home, Government of Bihar.

(Kishore Kumar Mandal, J)

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