

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8368 of 2011

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1. Umesh Rai Son Of Late Ram Sakal Rai Resident Of Village Jasouli Kharg, Police Station Pachrukhi, District Siwan.
 2. Tej Narayan Rai Son Of Late Kalpnath Rai Resident Of Village Jasouli Kharg, Police Station Pachrukhi, District Siwan.
 3. Mrityunjay Singh @ Mrityunjay Rai Son Of Sri Ragho Rai Resident Of Village Jasouli Kharg, Police Station Pachrukhi, District Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar Through Commissioner-Cum-Secretary, Department Of Home (Special), Govt. Of Bihar, Old Secretariat, Patna.
2. The Deputy Secretary, Department Of Home (Special), Govt. Of Bihar, Old Secretariat, Patna.
3. The Secretary Department Of Home, Govt. Of Bihar-Cum-Chairman Advisory Committee, J.P. Fighter Samman Scheme, Old Secretariat, Patna.
4. The Commissioner, Saran Division, Saran.
5. The District Magistrate, Siwan.
6. The Jail Superintendent Mandal Kara, Siwan.
7. The Jail Superintendent Central Jail, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narain Singh
For the Respondent/s : Mr. Nirbhay K.Singh Gp26

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-09-2015 Heard Mr. Aditya Narain Singh, for the petitioner and Mr. Manoj Kumar, A.C. to G.P.26 for the State.

A counter affidavit has been filed on behalf of the respondent No.1 and 2. No rejoinder has been filed by the petitioner.

The State Government formulated scheme called J.P. Senani Samman Pension Scheme copy whereof is enclosed as Annexure '1'. Three categories of Samman was provided. Those who

remained in jail custody under D.I.R or M.I.S.A. for more than six months in connection with the J.P. Movement were entitled to payment of monthly pension @ Rs.5000/- whereas those who remained in custody during the said movement for less than six months but more than one month are entitled to receive monthly pension @ Rs.2500/-.

The three petitioners herein applied for grant of pension, upon verification the respondent found them entitled to grant of pension in the sum of Rs.2500/- per month as they had suffered incarceration under the relevant provisions of the Act for less than six months but more than one month. Aggrieved by such grant of monthly pension @ Rs.2500/-, the petitioner have filed the present writ petition.

Mr. Singh, the counsel for the petitioner drawing attention of the Court to the letter dated 08.02.2010 issued by the Home (Special) Department, Government of Bihar (annexure '1') submits that in case of any mistake or error apparent on the face of the record or typographical error in computing the period of incarceration, a representation was required to be filed for consideration. In fact, the petitioner had remained in jail custody for more than nine months in different jails. The petitioners filed representations, copies whereof have been enclosed as Annexure

‘3 series. The grievance is about non-consideration thereof.

The counsel for the State on the other hand referred to the diverse paragraphs of the counter affidavit in order to submit that upon filing of application, the same was got verified by the Inspector General of Prisons, Govt. of Bihar and after certification issued in this regard, they were considered for the pension under the said scheme in the sum of Rs.2500/- per month. However, the counter affidavit does not deal with the representation which the petitioners filed for reconsideration of their claim in the light of the communication dated 08.02.2010(annexure ‘1’).

Having heard the parties, in my view, the writ application deserves to be disposed of by permitting the petitioner to file fresh representation before the respondent No.2 setting out his / their claim in detail for consideration and disposal thereof in accordance with law. If any such application is filed within four weeks, the respondents shall consider and dispose of the same in accordance with law as quickly as possible preferably within three months of such filing along with copy of this order.

(Kishore Kumar Mandal, J)

Sanjeev/-

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