

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12454 of 2012

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Shyam Sundar Singh Son Of Late Ram Autar Singh Resident Of Village -
Badauna, Narsanda, Police Station - Chandi District Nalanda

.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
 2. The Principal Secretary (Home), Govt. Of Bihar, Patna
 3. Sri Sanjay Kumar Agrawal Son Of Name Not Known To The Petitioner
District Magistrate, Nalanda
 4. Union Of India Through Secretary, Ministry Of Home Affairs, Ndcc
Building, Phase Ii. 2nd Floor, Sansad Marg, New Delhi - 110001
 5. Under Secretary, Ministry Of Home Affairs, Ndcc Building, Phase Ii,
2nd Floor, Sansad Marg, New Delhi - 110001
 6. The Treasury Officer, Nalanda
 7. Central Pension Accounting Office, M/O Finance , D/O Expenditure,
Block No. Ii, Trikoot Complex, Bhikaji Kama Place, R.K. Puram, New
Delhi - 110066
 8. The Pay & Accounts Office (Pension & Misc.) , Ministry Of Home
Affairs, 2/10, Jamnagar House, New Delhi - 110011 Respondents
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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate and
Mr. R.Kr.Singh, Advocate

For the Respondent/s : Mr. Sudhir Kumar, AC to Aag2
Mr. Manoj Kr.Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

10 11-08-2015 Heard the parties.

The petitioner prays for quashing order dated
17.5.2012 (Annexure 10), by which his pension sanctioned on
3.3.1998 has been cancelled by the Union Government and
consequential recovery has been ordered.

The petitioner submits that his sanctioned pension has
been cancelled on the report of the District magistrate, Nalanda
as well as the Sub-Divisional Officer, Hilsa which mention that
at the time of Freedom movement in 1942, he was a small boy

of three years, his date of birth being 7.11.1939 and not 21.2.1921. Countering the aforesaid stand, the petitioner submits that he was put in judicial custody from 10.10.1942 to 19.10.1944, as he participated in freedom movement. Besides this, the State officials did not consider his horoscope and the school leaving certificate while ascertaining his date of birth. He asserts that the School leaving certificate also shows his year of birth as 1921.

As the matter is one of facts, the petitioner is at liberty to approach the District Magistrate, Nalanda with relevant documents in support of his claim with respect to his date of birth. The latter would enquire into the matter. In the meantime, petitioner can represent to the Central Government against recovery of pension amount already received by him.

The writ petition is disposed of.

(Samarendra Pratap Singh, J)

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