

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1712 of 2013

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Gulo Mandal S/o Late Kokil Mandal R/o Village- Rishi Pahar Pur, P.O.-
Paharpur, P.S.- Suryagarha, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Home Department, Government of Bihar, Patna
3. The Secretary, Home (Special) Department, Government of Bihar, Patna
4. The Deputy Secretary Home (Special) Department, Government of Bihar, Patna
5. The Divisional Commissioner, Munger Division, Munger
6. The District Magistrate, Lakhisarai
7. The Senior Superintendent of Police, Lakhisarai
8. The Sub-Divisional Officer, Lakhisarai
9. The Superintendent, Mandal Jail, Munger

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ambika Bhagat, Advocate
For the Respondent/s : Mr. Jawahar Pd. Karn, AAG-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-01-2015 Heard Mr. Ambika Bhagat, learned counsel for the

petitioner and Mr. Sidharth Prasad, learned Assisting counsel to

AAG-4 for the State.

The petitioner has prayed for a direction to the
respondent authorities of the Home (Special) Department,
Government of Bihar for grant of Samman Pension under the J.P.
Samman Scheme.

Mr. Ambika Bhagat, learned counsel appearing on
behalf of the petitioner with reference to Annexure-3 to the writ
petition has submitted that upon invoking the provisions of Right

to Information Act, 2005 that the petitioner was informed that since the application form was addressed to the Deputy Secretary hence it was not taken into consideration.

Mr. Sidharth Prasad, learned counsel appearing on behalf of the State with reference to the press note circulated by the Home (Special) Department on 4.12.2007 placed at Annexure-A as well as resolution dated 5.6.2009 of the Home (Special) Department published in the Bihar Gazette Extraordinary dated 30.7.2009 has submitted that since the application was addressed to an incorrect authority hence it has not been entertained. Learned counsel with reference to Annexure-A has submitted that although the application in this regard was to be submitted by 31.12.2007 but the said condition has been relaxed in the resolution published on 30.7.2009 as present in paragraph-4 thereof.

Having heard learned counsel for the parties and taking into consideration that the claim of the petitioner for Samman pension under the J.P. Samman Scheme has not been entertained simply on grounds of being addressed to the incorrect authority when in terms of the Scheme, an application has to be addressed to the Additional Secretary, Home (Special) Department, Government of Bihar, Patna, this Court taking into consideration



the power of relaxation present in paragraph-4 of the resolution dated 5.6.2009 published in the gazette extraordinary on 30.7.2009 disposes of the writ petition affording liberty to the petitioner to file a fresh application before the Additional Secretary, Home (Special) Department, Government of Bihar within four weeks from today and any such application being filed would be considered by the concerned authority and disposed of in accordance with law and in case the petitioner is found entitled to his claim the same should be paid thereafter, however, in case the claim is not found acceptable, the same should be disposed of by a speaking order.

In either of the circumstances, the order should be passed by the authority concerned within three months of the filing of the application by the petitioner for grant of Samman Pension.

(Jyoti Saran, J)

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