

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23746 of 2013

Thakur Prasad Tyagi Son Of Late Baidyanath Prasad Previously Residing At Ganj No. 2, Bettiah And At Present Resident Of Mohalla- Uttarbari Pokhra, Ward No. 4, Police Station- Bettiah Town, District- West Champaran At Bettiah

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home (Special) Department, Government Of Bihar, Old Secretariat, Patna- 800001
2. The Principal Secretary, Home (Special) Department, Government Of Bihar, Old Secretariat, Patna- 800001
3. The Deputy Secretary, Home (Special) Department, Government Of Bihar, Old Secretariat, Patna- 800001
4. The Deputy Secretary, Loknayak Jai Prakash Narayan Movement Cell, Old Secretariat, Patna- 800001
5. The Inspector General Of Prison, Government Of Bihar, Old Secretariat, Patna- 800001
6. The District Magistrate, West Champaran At Bettiah
7. The Superintendent, District Jail, Jehanabad
8. The Superintendent, Saheed Khudi Ram Bose Central Jail, Muzaffarpur
9. The Superintendent, Saheed Zubba Sahni Central Jail, Bhagalpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. MURARI PRASAD SINHA

For the Respondent/s : Mr. Sushil Kumar, G.P.22

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 26-07-2016

Heard the counsel for the petitioner and the State.

Initially, the writ application was filed questioning the legality of the order passed by the respondent Principal Secretary (Annexure-14) rejecting the case of the petitioner for grant of pension under the J .P. Samman Yojna. During the pendency of this application, the respondent reviewed his case and vide order dated 10.07.2014 (Annexure-M), found the petitioner entitled to grant of pension under the said Yojna as he was found detained in jail custody for more than one month but less than six months. The respondent State, by another resolution dated

15.07.2015 (Annexure-15), effected amendment in the government resolution granting such pension to the eligible recipients. Indisputably, the petitioner is getting revised amount of pension as per the aforesaid resolution of the State dated 15.07.2015.

It has been urged on behalf of the petitioner that he remained in custody for about 08 months and, as such, is entitled to get the higher pension amount. However, the order dated 10.07.2014 (Annexure-M) granting pension to the petitioner under the said Yojna has not been called in question.

Taking into account the aforesaid fact, in my view, the writ application has become infructuous. The grievance of the petitioner is that his pension amount should be re-considered/revised is a matter to be examined by the competent body under the relevant resolution of the government. The petitioner would be at liberty to represent in this regard before the said respondent/Body for consideration and disposal in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

HR/-

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