

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22360 of 2013

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1. Mundrika Manjhi @ Munarik Manjhi Son Of Late Naurangi Manjhi @ Navrangi Manjhi Resident Of Village - Khaira, P.O. Lakhana, P.S. Punpun, District - Patna, At Present Resident Of Village - Sebanan, P.O. Nadaul, P.S. Jehanabad, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General, Biah, Patna.
3. The Principal Secretary, Home Department, Government Of Bihar, Patna
4. The Secretary, Home Department (Special) Government Of Bihar, Patna
5. The Deputy Secretary, Home Department (Special) Government Of Bihar, Patna
6. The Chairman, Salahkar Parishad, J.P. Senani Samman Yojana, Home Department (Special), Bihar, Patna
7. The Secretary, Salahkar Parishad, J.P. Senari Samman Yojana, Home Department (Special), Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. UMESH KUMAR VERMA
For the Respondent/s : Mr. MD. HARUN QUARESHI, AC TO SC-18
For the Accountant General: Mr. ARUN KUMAR ARUN, Adv.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-07-2016

Heard the counsel for the petitioner and the State.

The petitioner prays for grant of J.P. Senani Pension Samman Yojana and other facilities provided therein, which was enforced by the respondents-State vide Resolution Dated 05.06.2009, issued by the Home Department (Special), Bihar. Annexure 3 & 4 is the applications filed in 2012-13 before the Home Department (Special), Bihar. The respondents have not considered the claim of the petitioner.

A counter affidavit is filed on behalf of the State.

On going through the averments made in the counter affidavit, it appears that a stand has been taken by the respondents that the application has been filed much beyond the time prescribed therefore and is fit to be rejected as time bound. Besides the above, certain aspects on the merit of the claim of the petitioner has also been dealt with. However, it does not appear therefrom that the application of the petitioner after scrutiny was placed before and considered by the Salahkar Parishad (Advisory Committee) constituted for the purpose of consideration of such claim and grant/refusal thereof.

The counsel for the petitioner has drawn attention of the Court to clause 3 & 4 of the Resolution (Annexure-B to the counter affidavit) in order to submit that adequate provisions have been made in the Resolution of the Government enabling the respondents to consider applications filed beyond time. He has relied on an order dated 22.06.2015 passed by this Court in C.W.J.C. No. 1333 of 2015, in order to submit that considering the provisions contained in the Resolution of the Government. A Bench of this Court has found no justification for rejection of the claim on this ground alone. That apart, on going through the materials on record, it is apparent that the matter concerning the petitioner has not been placed before and

considered by the Salahkar Parishad (Advisory Committee), which is the body conferred with the jurisdiction to consider grant/refusal of such pension under the scheme.

Consequently, this Court directs the respondents to place the case of the petitioner for grant of pension under the scheme before the Salahkar Parishad (Advisory Committee) for consideration of his claim in accordance with law. The order shall not construe as condoning the delay, if any, in filing such application. This Court only clarifies, on reading the Resolution of the Government that the respondents have adequate authority/jurisdiction to consider any such application filed beyond time or belatedly.

The writ application disposed of by directing the respondents to place the case of the petitioner before the Salahkar Parishad (Advisory Committee) for consideration in accordance with law.

If the said exercise has not been completed till date, the respondents shall complete the same as quickly as possible preferably within three months from the date of receipt/production of a copy of this order before the concerned respondent(s).

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(Kishore Kumar Mandal, J)

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