

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7474 of 2014

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Kailash Prasad Singh Son of Late Surendra Prasad Singh, Resident of Village-
Sanhauli, P.S. Chitragupta Nagar, District- Khagaria- 851205.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Home Department, Government of Bihar Old Secretariat, Patna.
3. Deputy Secretary (Special) Home Department, Ole Secretariat, Patna.
4. The Inspector General (Jail), Govt. of Bihar, Secretariat, Patna.
5. The District Magistrate, Khagaria.
6. Jail Superintendent, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Kumar Singh, Advocate Mr. Basant Kumar Tripathy, Advocate Mr. Mahesh Prasad, Advocate
For the Respondent/s	:	Mr. Brajesh Kumar, A.C. to A.A.G. 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-11-2016

Heard learned counsel for the parties.

The petitioner has moved the Court for a direction to the respondents to pay him the benefit of J.P. Senani Samman Pension, as per the policy of the State Government.

Learned counsel for the petitioner submitted that he had been interned in the District Jail, Khagaria from 17.08.1974 to 22.08.1974 and again from 28.07.1975 to 14.12.1975, under the relevant provisions of the penal laws which fulfills the criteria for award of such pension. It was submitted that the matter is kept pending and in the meantime, as per the counter affidavit filed on



behalf of the State authorities, as the records of the District Jail, Khagaria, for the relevant periods, have been washed away, the Jail Superintendent has not been able to give a categorical finding in favour of the petitioner on the basis of which the matter has still not been taken to its logical conclusion. Learned counsel submitted that there are corroborative supporting evidence like, the order of the Court in the police case in which he underwent imprisonment and, thus, the authorities can get the matter verified from the police records and the Court records as well as the certificate given to such effect by the Superintendent of District Jail, Khagaria, but are sitting tight over the matter which is against the very spirit and objective of the scheme and also violation of a right which has accrued to the petitioner under the said scheme.

Learned counsel for the State submits that the matter may be disposed off with a direction to the authorities to take a final decision in the matter.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ application stands disposed off with a direction to the respondent no. 2 to take a final decision with regard to the claim of the petitioner, in accordance with law, after considering all the materials which have been produced by him in support of such claim. Let the same be done

within three months from the date of production of a copy of this
order before the respondent no. 2.

(Ahsanuddin Amanullah, J.)

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