

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16781 of 2013

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1. Baijnath Thakur Son of Sri Yadunandan Thakur Resident Of Village - Mustafapur, P.S. Punpun, District - Patna
 2. Dukhan Thakur Son Of Singar Thakur Resident Of Village - Mustafapur, P.S. Punpun, District - Patna
 3. Naurang Chaudhary Son Of Charitar Chaudhari Resident Of Village - Khaira, P.O. Lakhana, P.S. Gaurichak, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The I.G. Prison, Bihar, Patna
3. The Home Secretary, Govt. Of Bihar, Old Secretariat, Patna
4. The Under Secretary, Home (Special) Department, Govt. Of Bihar, Old Secretariat, Bihar, Patna
5. The Superintendent, Phulwari Camp. Jail, Phulwarishariff, Patna
6. The District Magistrate, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate.

For the Respondent/s : AC to GP-26.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-04-2016

Heard Mr. Satya Ranjan Sinha for the petitioners
and AC to GP-26 for the State.

Two sets of counter affidavits have been filed. Ist set is on behalf of the respondent nos. 1 to 5 and 2nd set is on behalf of the respondent nos. 3 and 4.

The petitioners seek a direction upon the respondents to grant them pension under the J P Samman Pension Scheme implemented by the respondent State. They claim to have been taken into custody during the relevant period for the required number of days which would enable them to get the pension under the scheme.

Counter affidavit filed in this case depicts discrepancies in the application. It is stated that the date of release

from the jail custody was not furnished by the petitioners. The counsel for the petitioners states that there is/are document to indicate that such date was not incorporated by the jail authority.

Be that as it may, considering the submissions of the parties and on perusal of the materials on record, it does appear to the Court that the matter has not been finally adjudicated upon by the concerned respondents as refusal of their claim(s) has not been communicated to the petitioners. The petitioners assert that there is documents which would convince the respondents about their lodgment in jail custody for the required number of days/months.

Considering this aspect of the matter, the application stands disposed of permitting the petitioners to make individual representation(s) before the concerned respondent which in the present case shall be the Chairman of the Salahkar Samiti/Advisory committee constituted by the Govt. in the Department of Home (Special), along with the relevant documents for expeditious consideration and disposal in accordance with law preferably within 03 months from the date of filing of the representation.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	
CAV DATE	
Uploading Date	5/5/2016
Transmission Date	