

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18168 of 2015

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Dani Yadav Son of late Lachho Yadav, Resident of Village- Lambuya, P.s
Kashichak, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. The District Magistrate, Nawada.
3. The Sub-Divisional Officer, Kashichak, Dist Nawada.
4. The Block Development officer, Kashichak, Dist Nawada.
5. The Circle officer, Kashichak, Dist Nawada.
6. The Panchayat Secretary, Gram Panchayat Raj, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Devendra Kumar, Advocate Mr. Pramod Kumar Verma, Advocate
For the State	:	Mr. Anil Kr. Sinha, GA-1 Ms. Aditi Hansaria, AC to GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-04-2017

Petitioner claiming to be a resident of village Lembuya,
P.S. Kashichak, District Nawada, contends that many persons in the
village are not being provided the facility of pension under the
National Indira Gandhi Bridha Pension.

It is said that in spite of applications submitted by the
various villagers, the applications are not being processed and the
Collector concerned is not taking action into the matter. A list of
about 70 persons, in whose cases the pensionary claims were not
settled, was also enclosed and a notice was issued. The Respondent



Nos.2 to 4 have filed a detailed affidavit and from the affidavit filed by the Respondents, we find that with regard to the 70 cases in question, in 63 cases on detailed enquiry it has been found that the pass book was never prepared or issued by the competent authority. They are fake and manipulated pass books and based on the same no pension can be granted. In the case of 4 to 6 persons as the claims were found to be genuine, they have been directed to be made payments through the post office.

Taking note of the grievance of the petitioner and the counter affidavit filed by the respondents, we are of the considered view that in this public interest litigation it is not appropriate to issue any direction for payment of pension as claimed for, as payment for compensation has to be done after an enquiry with regard to genuineness of the claim and in a writ petition under Article 226 of the Constitution without there being any enquiry with regard to genuineness of the claim, no direction can be issued for payment of pension.

If any person entitled to receive the pension has not received the same or aggrieved by the non payment of pension, liberty shall be available to such person to approach the District Magistrate and the District Magistrate is directed to scrutinize each and every case that comes to him for payment and after posing an enquiry as



may be permissible under law ensure that claim of the person concerned effected and a decision taken within a period of two months of its presentation.

With the aforesaid liberty to the greedy claimant, finding no case for interference in the public interest litigation. The same stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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