

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1912 of 2015

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Naresh Prasad @ Kishori Malakar son of Late Mohan Prasad@Ramjee Malakar, resident of village-Abgila, P.S. - Moffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Home (Special) Department, Government of Bihar, Patna.
4. The District Magistrate, Gaya, District Gaya.
5. The Central Jail Superintendent, Gaya, District-Gaya.
6. The District Chief Probation Officer, H (Jail), Gaya, District-Gaya.
7. The Sub divisional Officer, Sadar Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Mr. Rajeev Ranjan, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-08-2018

Heard Mr. Deepak Kumar, learned counsel for

the petitioner and Mr. Rajeev Ranjan, learned AC to GP-20.

The present writ application has been filed for a direction to the respondent authorities to grant pension under Jai Prakash (J.P.) Samman Yojna.

It is submitted by learned counsel for the petitioner that during the movement popularly known as J.P. Aandolan the petitioner remained in custody since 21.11.1975 to 28.04.1976. The Government of Bihar brought a scheme which



has been enforced from 1st of June, 2009 known as J.P. Samman Yojna, which mandates that any person, who participated in the movement led by Loknayak Jai Prakash Narayan between 18th March, 1974 to 21st March, 1977 and remained in custody either under MISA (Maintenance of Internal Security Act) or under D.I.R. (Defence of Indian Rule) for a period of one month to six months, shall get pension of Rs.2,500/- per month and any person who remained in custody for six months and odd, shall get a pension of Rs.5,000/- per month. Similarly, the said pension was also made available to the legal heirs of such participants in the movement, who died during jail custody or in the police firing, and in that case, deceased's husband or wife shall be entitled to get pension of Rs.5,000/- per month. The scheme also prescribes that such person who received injuries in police firing in the movement shall get pension of Rs.2,500/- per month. Earlier also an advertisement was made inviting applications from such persons, who participated in J.P. Aandolan and in pursuance to the said advertisement the petitioner submitted an application for pension on 30.11.2007. The petitioner also submitted an application on 22.12.2014 to the concerned authorities, as contained in Annexure-3. Though, a certificate was granted by the Central Jail Superintendent, Gaya District, vide Memo No. 2002 dated



21.06.2009, but till date, no decision has been taken on the application of the petitioner with regard to the sanction of pension and hence, the present writ application.

Mr. Rajeev Ranjan, learned AC to GP-20 submits that if no decision has been taken on the application of the petitioner the same will be taken within a reasonable time frame.

In view of the stand of the learned counsel for the State, it is expected from the respondent authorities, particularly, Respondent No. 3, the Principal Secretary, Home (Special) Department, Govt. of Bihar, Patna to take a decision on the application of the petitioner in pursuance to the parameters of the J.P. Samman Yojna within a period of three months of the receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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