

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14680 of 2017

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Rambriksha Kumar, Son of Sahajanand Kumar, Resident of Village-Sonbarsha, P.S.-Bihapur, District-Bhagalpur.

... .. 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, Govt.of Bihar.(Patna).
4. District Magistrate, Bhagalpur, District-Bhagalpur.
5. The Central Jail Superintendent, Bhagalpur, District-Bhagalpur.
6. The District Chief Probation Officer (Home) Jail Bhagalpur, District-Bhagalpur.
7. The Sub-Divisional Officer, Naugachia, District-Bhagalpur.
8. The Anchala Adhikari, Block-Bihapur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsels for the parties.

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

It is submitted by learned counsel for the petitioner that the petitioner was in Central Jail, Bhagalpur from 09.07.1975 to 26.08.1975 under DIR. The Government of Bihar came out with a scheme known as J.P. Samman Yojna, whereby the eligibility criteria was that the beneficiary should have been a participant in J.P. Mass Movement in the



year 1974 and who remained in custody for six months under MISA (Maintenance of Internal Security Act) and D.I.R. (Defence of India, Rule), received injuries or died and in order to acknowledge the contribution of the persons who participated in the J.P. Movement and suffered on account of their participation in J.P. Movement, the Home (Special) Department Government of Bihar resolved to give pension, appreciation certificate and momentos. Persons who remained in custody for a period of one month to six months were to get Rs.2,500/- per month, which has now been enhanced to Rs.5,000/-, while persons who remained in custody for more than six months were to get Rs.5,000/- which has now been enhanced to Rs.10,000/-.

It is submitted that as per the requirement the petitioner submitted the application along with Jail Certificate and F.I.R before the Principal Secretary Home (Special) Department of Government of Bihar, as well as before the President of J.P. Movement Scheme. The Home Special Department requested the Inspectorate of Prisons and Correctional Services, Bihar to verify the genuineness of the period of jail detention of the petitioner and consequently, the Inspectorate of Prisons and Correctional Services, Bihar vide



letter No. 4526 dated 04.11.2011 submitted a verification report suggesting that the father's name of the petitioner recorded in jail records is Ganganand Kumar, whereas, petitioner claims to be son of Sahjanand Kuwar, consequently no action for grant of pension was taken.

It is submitted by learned counsel for the petitioner that the name of the petitioner and his entire address and details are correct, but the father's name of the petitioner has wrongly been entered in the records. However, during enquiry neither the petitioner was noticed nor he was given opportunity to defend himself and even after sanction of the pension, the amount has not been paid to him. In the circumstances, the petitioner confines his prayer for a direction to the authorities to conduct an enquiry afresh and take a final decision after giving due opportunity of hearing to the petitioner.

However, learned counsel for the respondents does not deny this fact that the pension was sanctioned in favour of the petitioner but it could not be paid since from the jail records it was found that father's name of the petitioner was found recorded as Gandanand Kumar instead of Shajanand Kuwar. It is also not denied that the petitioner was



not given any opportunity during enquiry. It is further submitted that fresh enquiry can be conducted after giving due opportunity of hearing to the petitioner.

This is not disputed by the respondents that the petitioner was in custody for more than six months under D.I.R. and deserves consideration for J.P. Samman.

Considering the rival submissions of the parties as well as confined prayer of the learned counsel for the petitioner and the concession made to that effect in the submission of learned counsel for the respondents, particularly, in view of the fact that no document has been brought on record which were considered for ascertaining the father's name of the petitioner, this Court thinks it proper to direct the Respondent No. 3, the Principal Secretary, Home (Special) Government of Bihar to get a verification done with regard to father's name of the petitioner after giving due opportunity of hearing to the petitioner, and examining other relevant documents available on record, such as other applications filed at the relevant time before the Court concerned and thereafter take a final decision in the matter. Needless to say, the whole exercise is expected to be undertaken within a period of three months from the date of



receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

