

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7699 of 2015

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Balajee Pathak Son of Late Kapil Dev Pathak, Permanent Resident of Vill
P.O.- Dumrao, Distt- Buxer presently residing at House No. 1, Kailash
Enclave, Shivpuri, P.S.- Lal Bahadur Shastri Nagar, Distt- Patna 800023.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Special Secretary, Department of Home, Govt. of Bihar, Secretariat,
Bailey Road, Patna.
4. The Principal Secretary, Personnel and Home Special Department, Govt. of
Bihar, Old Secretariat, Pa
5. The Director General of Police, Old Secretariat, Patna.
6. The Deputy Inspector General of Police Human Rights, Patna, Bihar.
7. The Inspector General Prison, Govt. of Bihar.
8. The District Magistrate, Buxer.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Pandey, Advocate
	:	Mr.Chandra Shekhar Verma, Advocate
For the Respondent/s	:	Ms.Anuradha Singh, SC-21
	:	Ms.Bandana Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2022 The present writ petition has been filed seeking the
following relief:-

*“1. That this is an application for issuance of
an appropriate writ, order or direction
commanding the respondents with directions to
them for payment of Samman Pension @ Rs.
5,000/- per month under "J.P. Senani Samman
Yojana" in place of Rs. 2,500/- per month
which is being paid to the petitioner since
Petitioner remained in prison for a period of 1*



Year and 4 months under M.I.S.A. (A) (Maintenance of Internal Security Act, 1975), but vide order dt 30.06.2012, passed by D.M. Buxar only Rs 2500/- P.M. is being paid.”

The learned counsel for the respondent-State has submitted that the petitioner is already getting a sum of Rs.2500/- per month under the J.P. Senani Samman Yojana, since his detention under M.I.S.A./D.I.R. was less than six months. As regards the claim of the petitioner to the effect that he is entitled to higher amount of pension on the ground that he had been imprisoned for one year and four months, the learned counsel for the respondent has submitted that the Home Department has to take a decision inasmuch as the rest of the period of detention of the petitioner could not be verified.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file a wholesome application, annexing all the evidences regarding his detention, before the Advisory Board, constituted by the respondent Department of Home, Government of Bihar, Patna for grant of higher amount of pension under the J.P. Senani Samman Yojana. Liberty so sought is granted.

It is needless to state that in case appropriate application is filed, within a period of four weeks from today



before the Advisory Board, the same shall be considered, in accordance with law and appropriate decision shall be taken thereon, within a period of 12 weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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