

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1461 of 2016

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Ram Anugrah Singh, son of Late Ghuthu Singh, resident of Village- Barahiya
Tola- Dhanraj Ward No.- 05, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Accountant General, Bihar, Patna.
3. The Principal Secretary, Dept. of Home, Govt. of Bihar, Patna.
4. The Secretary, Dept. of Home (Special), Govt. of Bihar Patna.
5. The Deputy Secretary, Dept. of Home (Special), Govt. of Bihar, Patna.
6. The Chairman, Salahkar Parishad, J.P. Senani Samman Yojana, Dept. of Home (Special), Bihar, Patna.
7. The Secretary, Salahkar Parishad, J.P. Senani Samman Yojana, Dept. of Home (Special), Bihar, Patna.
8. The Inspector General of Jail, Govt. of Bihar, Patna.
9. The District Magistrate, Munger.
10. The Superintendent of Jail, Mandal Kara, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash Maharaj, Advocate.
For the Respondent/s : Mr. Prabhat Ranjan, AC to AAG-13.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-01-2023 Heard Mr. Om Prakash Maharaj, learned counsel

 appearing on behalf of the petitioner and Mr. Prabhat Ranjan,

 learned AC to AAG-13.

2. In the present writ petition, the petitioner has
prayed for the following reliefs:

(I) For issuance of an appropriate writ/writs,
order/orders, direction/directions, commanding/directing
the respondent authorities to provide the benefits of J.P.
Senani Samman Yojana to the petitioner i.e. Rs. 5000/-
per month and other facilities in pursuance to the Bihar
Government policy vide notification no. 111 dated
05.06.2009 as contained in Annexure-1 from
01.06.2009.



(ii) For issue of a writ/writs, order/orders, direction/directions commanding the respondents to pay the arrear of J.P. Senani Samman Yojana pension to the petitioner with penal interest at the rate of 12% per annum from the date of issuance of the aforesaid notification i.e. 05.06.2009 till the date of payment.

(iii) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner is also found entitled to.

3. Learned counsel appearing on behalf of the petitioner submitted that vide notification no. 111 dated 05.06.2009, the State Government had announced J. P. Senani Samman Yojna for those persons who have participated in the movement initiated by late Loknayak Jai Prakash Narayan between 18.03.1974 to 21.03.1977 and had suffered injury / fatal, injury / incarceration. Those persons who had suffered incarceration from one month to six months, they have been provided with pension of Rs.2500/- per month, those persons who had suffered incarceration for more than six months, they have been provided with monthly pension of Rs.5000/- per month, the agitators who had suffered death have been given family pension of Rs.5000/- per month and those who had suffered injury in police firing and had sustained grievous injury have been provided pension of Rs.2500/- per month. A copy of the scheme is annexed as Annexure-1 to the writ petition. Learned counsel further submitted that the Salahkar Parishad



vide Letter No. 29 dated 23.07.2010 had recommended the name of the petitioner after having been satisfied that the petitioner had suffered custody from 21.08.1974 to 06.09.1974 in Mandal Kara, Munger vide order No. 3418C dated 21.08.1974 passed by the District Magistrate, Munger and also from 29.09.1974 to 14.12.1975 in Mandal Kara, Munger vide order dated 4269 dated 29.09.1974 passed by the District Magistrate, Munger under M.I.S.A./D.I.R. On the said basis, he claims that he should be given monthly pension at the rate of Rs.2500/- per month.

4. Learned counsel for the State admitted that the writ petition was filed in the year 2016, however, State Authorities have not responded to file their counter affidavit.

5. Having regard to the rival submissions of the parties, materials on record and the very fact that the writ petition was filed in the year 2016 and on 04.04.2018, an order was passed directing the respondent-State to file their counter affidavit, instead of filing counter affidavit, a prayer for adjournment has been made by Mr. Prabhat Ranjan Singh, learned AC to AAG-13 that two weeks may be granted to file counter affidavit.

6. Prayer is rejected.



7. The Additional Chief Secretary, Home Department, Government of Bihar, Patna must deprecate such laches having been committed by his department and inquire into the matter and after holding the person who was responsible to comply with the order of this Court, he must take appropriate action by initiating a disciplinary proceeding in accordance with law.

8. So far as the grievance of the petitioner is concerned, pursuant to the Salahkar Parishad Letter No. 29 dated 23.07.2010, he learnt that his name is also among the beneficiaries which was issued after considering the application dated 19.05.2010 filed by the petitioner in requisite format as prescribed in the Resolution No. Grih Koshang - 74-009/2009 dated 05.06.2009. The petitioner further submitted that thereafter he made several representations but neither any action was taken nor he was communicated in any manner about the action taken by the respondents. The petitioner, thereafter, had also provided all the documents again in requisite format duly filled up by him on 29.09.2015. The respondents have not communicated as to why his claim has not been entertained for such a long period. Petitioner under such circumstances has filed the present writ petition.

9. In view of the inability shown by learned counsel



appearing on behalf of the State that till date no instruction has been provided to him by the Home Department, he is not in a position to put the stand of the State. This Court has no option than to allow the present writ petition. The Additional Chief Secretary, Home Department, Government of Bihar is directed to consider the grievance of the petitioner and pass appropriate order in light of the government policy for payment of J.P. Senani Samman Pension to the petitioner, who was under incarceration in Mandal Kara, Munger in category of one months to six months in terms of the Resolution dated 05.06.2009.

10. Such order must be passed within a period of six weeks.

11. Mr. Prabhat Ranjan Singh, learned counsel appearing on behalf of the State is forthwith directed to communicate the order to the Additional Chief Secretary, Home Department, Government of Bihar by any mode.

12. Accordingly, present writ petition is allowed.

(Purnendu Singh, J)

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