

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13743 of 2011

=====

1. Sudama Prasad Sah @ Sudama S/O Late Kapil Deo Sah R/O Vill. +
P.O. + P.S.- Amour, Distt.- Purnia

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director Chief, Health Services, Bihar, Patna
3. The Civil Surgeon-Cum-Chief Medical Officer, Purnea
4. The Medical Officer, In-Charge Referral Hospital Amour, Purnea
5. The District Provident Officer, Purnea.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : NONE

For the Respondent/s : Mr. Manoj Kr. Ambasta, GP-14
Mr. Sanjay Kumar Pandey, AC to G.P.-14.

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

4 21-01-2015 None has appeared on behalf of the petitioner.

However, Mr. Manoj Kumar Ambastha, learned Government
Pleader No. 14, is present.

With the help of this application, made under Article
226 of the Constitution of India, the petitioner, the husband of late
Kamlapati Devi, who was posted as A.N.M. in Referral Hospital,
Amour District Purnea, and died on 13.08.2007, has sought for
issuance of a *writ* in the nature of *mandamus* to the respondents
for the following reliefs:

- (i) To direct the respondents to pay the dues of
gratuity.
- (ii) To direct the respondents to take immediate

action against the respondents, who are deliberately making obstacle in paying the dues of gratuity.

(iii) To direct the respondent to take immediate action to ensure the payment of the rest amount dues of gratuity keeping in view the petitioner attaining the age of 84 years and in need of money for medical treatment.

(iv) Any relief or reliefs as to which the petitioner may be found entitled into its facts and circumstances of the case.

By filing counter affidavit, the respondents have submitted that the deceased employee, namely, Kamlapati Devi (wife of the petitioner) had, while subscribing the G.P.F. account, in the nomination form, opted for payment of 50 per cent amount each to her husband (i.e., the petitioner) and her daughter, namely, Sanyukta Kumari, and accordingly B.T. for payment of G.P.F. amount to the tune of Rs.3,10,022/- was issued by the G.P.F. Office, Purnea, and the said amount has already been paid to the concerned nominees of the deceased employee, through cheques mentioned in acquaintance roll.

Since the averments made in the counter affidavit has

not been disputed, this writ petition is disposed of on the ground that the grievances of the petitioner have already been met, with, however, liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and also to take recourse to such provisions of law as may be permissible.

(I. A. Ansari, J.)

Mkr./-

U			
---	--	--	--