

विषय:

एफ-22-59/2016/पैतीस

का विभाग

विषय- याचिका रिव्यू क. 48/16 द्वारा श्रीमती मनोरमा सिंह  
विरुद्ध म.प्र. शासन एवं अन्य।

पंजी कमांक 893/2016, दिनांक 18.2.2016

कृपया विचाराधीन पत्र का अवलोकन करें। मान. उच्च न्यायालय, जबलपुर में दायर याचिका रिव्यू क. 48/16 द्वारा श्रीमती मनोरमा सिंह दायर की गई है।

प्रकरण में संचालक, पशुपालन द्वारा शासन की ओर से पक्ष समर्थन एवं प्रत्यावर्तन प्रस्तुत किये जाने हेतु डॉ. के.एस.तोमर कार्यालय प्रबंध संचालक म.प्र. राज्य पशुधन एवं कुक्कुट विकास निगम भोपाल को प्रकरण में प्रभारी अधिकारी नियुक्त किये जाने का प्रस्ताव प्रेषित किया गया है।

यदि मान्य हो तो संचालक पशुपालन के प्रस्तावानुसार डॉ. के.एस.तोमर कार्यालय प्रबंध संचालक म.प्र. राज्य पशुधन एवं कुक्कुट विकास निगम भोपाल को प्रकरण का प्रभारी अधिकारी नियुक्त किया जाना प्रस्तावित है।

तदनुसार प्रारूप अनुमोदनार्थ प्रस्तुत।

अ.अ.

*(Signature)*

*(Signature)*  
10.3.16

कृपया । अ. अनुमोदनार्थ प्रस्तुत है।

*(Signature)*  
P.S.

प्र. अ. तथा प्रस्तावित

*(Signature)*  
11.3.16

*(Signature)*  
11/3/16

*(Signature)*  
11-3/16

*(Signature)*  
11/3/16

*(Signature)*  
11/3/16

*(Signature)*  
11/3/16

श्रीमती क्र. 1357/प्र.स./पशुपाल/2016  
आगत दिनांक 11/03/2016  
जायक दिनांक 11/03/2016

388/ASR  
11/3/16

२०

उम्मीद २ सचिवालय

विषय:

एफ-२२-५९/२०१६/पैतौस

का विभाग

विषय- याचिका रिव्यू क. ४८/१६ द्वारा श्रीमती मनोरमा सिंह  
विरुद्ध म.प्र. शासन एवं अन्य।

एकचु प्रतियोगिता हस्ताक्षरार्थ प्रस्तुत है

अ.प्र.

१६/३/१६

४८  
१४/३/१६

अ.प्र. (५)

५०८५

०

१५/३/१६

१६/३/१६

४७१-७२/१६/३५

अ.प्र. क.प्र. - १५/३/१६ - को प्रेषित

प्रकार के विभाग द्वारा जारी की गई जानकारी निम्न प्रकार की है।  
प्राप्त की गई है। प्रतिक्रिया को देना। प्राप्ति की जानकारी देना।  
नस्ती की गई विभागों को जानकारी देना। प्राप्ति की जानकारी देना।

अ.प्र.

अ.प्र. (५)

विधि-विभाग

१५/३/१६

१५/३/१६

१५/३/१६

४८  
१५/३/१६  
१७५५

प्रतिरक्षाण आदेश जारी कर प्रतिनस्ती  
पर रखी है।

प्रशासन विभाग

(अभिनाम मिश्र)  
अति-सचिव  
निधि विभाग

१७१३  
१७१३/२१-४८५०  
१६/३/१६

पंजी	893/16/35
दि	18-12-16
पशु पालन	

संचालनालय पशु पालन  
मध्य प्रदेश

वि०प्र०-18आर-3(5)/550/15-16 भोपाल, दिनांक 18/12/2016

क्रमांक  
प्रति,

अवर सचिव  
मध्य प्रदेश शासन  
पशु पालन विभाग  
मंत्रालय-भोपाल

विषय:-नान्नीय उच्च न्यायालय जबलपुर में दायर रिट याचिका क्रमांक 48/16 द्वारा श्रीमति मनोरमा सिंह विरुद्ध म०प्र० शासन अन्तः।

श्रीमति मनोरमा सिंह द्वारा याचिका क्रं 7370/06 में दिनांक 24.11.2014 को पारित निर्णय के विरुद्ध मा० उच्च न्यायालय जबलपुर में रिट याचिका क्रं 48/2016 दायर की गई है।

अतः उक्त प्रकरण में शासन की ओर से पक्ष समर्थन एवं प्रत्यवर्तन प्रस्तुत करने हेतु डॉ० के०एस० तोमर कार्यालय प्रबंध संचालक म०प्र० पशुधन एवं कुक्कुट विकास निगम भोपाल को प्रकरण प्रभारी अधिकारी नियुक्त किया जाना प्रस्तावित है। कृपया तदनुसार शासनादेश जारी करने का कष्ट करें।  
संलग्न:- उपरोक्तानुसार

संचालक  
पशु पालन  
म.प्र.भोपाल

वि०प्र०-18आर-3(5)/550/15-16 भोपाल, दिनांक / / 2016

क्रमांक  
प्रतिलिपि:-

- 1/ कार्यालय महाधिवक्ता म०प्र० उच्च न्यायालय जबलपुर।
- 2/ प्रबंध संचालक म०प्र० पशुधन एवं कुक्कुट विकास निगम भोपाल (कृपया प्रकरण में शासन पक्ष समर्थन हेतु शासकीय अधिवक्ता से सम्पर्क करने का कष्ट करें।)
- 3/ नोडल अधिकारी विधि प्रकोष्ठ कार्यालय संयुक्त संचालक पशु चिकित्सा सेवाएँ जबलपुर।

संचालक  
पशु पालन



कार्यालय संयुक्त संचालक पशु पालन विभाग  
( विधि प्रकोष्ठ ) जबलपुर-संभाग-जबलपुर

क्रमांक ६९ /वि०प्र०/१५-१६-/  
प्रति,

जबलपुर/दिनांक २४/१/१६

संचालक,  
पशु पालन विभाग  
म०प्र०, मोपाल

RP/48/2016

विषय :- न्यायालयीन प्रकरण क्रमांक ----- द्वारा ~~अभिहित~~ मनो रजत, रिपेरा  
विरुद्ध म०प्र० शासन एवं अन्य ।

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उपरोक्त विषयांतर्गत निवेदन कर लेख है कि याचिकाकर्ता द्वारा उक्त याचिका बननीय  
म०प्र० उक्त न्यायालय जबलपुर में म०प्र० शासन एवं अन्य के विरुद्ध दाखल की गई है ।

विषयावधि में शासकीय अधिवक्ता से प्रत्यार्पण तैयार करवाया जा सके ।

संलग्न :- प्रकरण की संक्षेपित जानकारी ।

डा० के०के० चौधरी  
(नोडल अधिकारी)

कार्यालय संयुक्त संचालक, म०पा० वि०  
विधि प्रकोष्ठ, जबलपुर संभाग-जबलपुर  
दूरभाष व फैक्स - 2626056



Registration Date	21-01-2016	<b>Pending</b>
Case Detail	REVIEW PETITION (RP) 48/2016	
CA Name	<b>Sangeeta Sahu [MCC-I-DA-5] [CIS User ID : 193]</b>	
First Entry Clerk	Filing Clerk 5 On 21-01-2016 05:03:57	
Last Updated By	Default Clerk 4 On 27-01-2016 04:29:00	
Submitted On	25-01-2016 [REGISTRAR (3-2)] [CLNO. : 202]	
Last Order		
Tentative date	28-01-2016 (Computer generated)	
Update On	<b>Listed Today</b>	
Status	<b>Pending</b>	
Stage	Motion Hearing {DEFAULT / OTHER MATTERS} {32. FRESH}	
Statutory Info.	<b>{(1)LEGIBLE COPIES / TYPED COPIES TYPE COPY OF ANNEX. P-2, P-3 (2)PARTICULARS CERTIFIED COPY OF IMPUGNED ORDER NOT FILED. (3)DECLARATORY / ACKNOWLEDGMENT / ADVANCE COPY ADVANCE COPY NOT SUPPLIED TO THE OFFICE OF ADVOCATE GENERAL and IA No.1131/2015-CORPORATION OF DELAY (Entered on : 25-01-2016)}</b>	
Bench	Divisional Bench	
Scanning Info	The Judgment/Order has NOT been Scanned ...!	
Category	<b>CIVIL PROCEDURE &amp; LIMITATION-11300</b> Code of Civil Procedure, 1908-11301 <b>REVIEW (ORDER 47 RULE 1 CPC).</b>	
Act		
Petitioner(s)	1 SMT. MANORMA SINGH S/D/W/Thru:- LATE SHRI S.S. BAGHEL 17 PRABHATVIHAR SATNA , Satna , MADHYA PRADESH	
Respondent(s)	1 THE STATE OF MADHYA PRADESH THR. ITS SECRETARY VETERINARY DEPARTMENT MANTRALAYA VALLABH BHAWAN BHOPAL , Bhopal , MADHYA PRADESH  2 DIRECTOR VETERINARY SERVICES DISTT. BHOPAL , Bhopal , MADHYA PRADESH  3 MANAGING DIRECTOR MF. CATTLE AND POLTRY DEVELOPMENT COORATION BROILER HOUSE KOTRA SULTANABAD BHOPAL , Bhopal , MADHYA PRADESH  4 JOINT DIRECTOR VETERINARY SERVICES DISTT. REWA , Rewa , MADHYA PRADESH  5 CHIEF EXECUTIVE OFFICER JILA PANCHAYAT MANDLA DISTT. MANDLA , Mandla , MADHYA PRADESH  6 CHIEF EXECUTIVE OFFICER JILA PANCHAYAT SEONI DISTT. SEONI , Seoni , MADHYA PRADESH	





LAL HENDRA SINGH

AMIT KHATRI

ALABHAIYA SAJPA

SACHIN SINGH YADAV

VEER VIKRANT SINGH

AKSHAY PAWAR

JAI SHUKLA

GHUTUCHA RASOOL

Advocate(s)

Seat No.

District

Section

SATNA

II

JABALPUR MAIN SEAT, HIGH COURT OF M.P.

WP(+MP) WRIT PETITIONS/7370/2006

0/0

24-11-2014



कार्यालय संयुक्त संचालक पशु पालन विभाग

( विधि प्रकोष्ठ ) जबलपुर संभाग-जबलपुर

क्र० ..... / वि०प्र० / 2015 /  
प्रति,

जबलपुर, दिनांक .....

संचालक,

पशु पालन विभाग

म०प्र०, भोपाल

विषय :- न्यायालयीन प्रकरण क्रमांक

RP/48/2016

द्वारा श्रीमती मनोरमा सिंग

विरुद्ध म०प्र० शासन एवं अन्य ।

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उपरोक्त विषयांतर्गत निवेदन कर लेख है कि माननीय उच्च न्यायालय की मुख्य खंड पीठ जबलपुर में प्रकरण क्रमांक WP/48/2016 में दिनांक 3.2.2016 को माननीय उच्च न्यायालय द्वारा आदेश पारित किया गया है जिसकी सत्यापित प्रति माननीय उच्च न्यायालय से प्राप्त कर तथा प्रकरण की जानकारी आपकी ओर आवश्यक कार्यवाही हेतु सादर प्रस्तुत है ।  
संलग्न :- आदेश की सत्यापित प्रति की छायाप्रति ।

डॉ. के.के. चौधरी

(नोडल अधिकारी)

कार्यालय संयुक्त संचालक प.पा.वि.

विधि प्रकोष्ठ, जबलपुर संभाग जबलपुर

दूरभाष क्रमांक - 2626056

जबलपुर, दिनांक 19/2/16

पृ०क्र० 16 / वि०प्र० / 2015 /

प्रतिलिपि :- प्रत्यावर्तन की छायाप्रति सहित सूचनार्थ सम्प्रेषित ।

संलग्न :- 1. मुख्य सचिव म०प्र० शासन पशुपालन विभाग मंत्रालय वल्लभ भवन भोपाल की ओर ।  
2. संयुक्त संचालक पशु चिकित्सा सेवायें सीता की ओर सूचनार्थ प्रेषित ।

(3) उपसंचालक  
सीता ।

साता महामारी कार्यालय

डॉ. के.के. चौधरी

(नोडल अधिकारी)

कार्यालय संयुक्त संचालक प.पा.वि.

विधि प्रकोष्ठ, जबलपुर संभाग जबलपुर



IN THE HIGH COURT OF MADHYA PRADESH

PRINCIPAL SEAT AT JABALPUR

R.P. NO. 48 / 2015

PETITIONER

Smt. Manorma Singh,  
W/o Late Shri S.S. Baghel,  
Aged- 62 years,  
R/o- 17, Prabhat Vihar Satna,  
District - Satna (M.P.)

Versus

RESPONDENTS

1. State of Madhya Pradesh, Through its Secretary Veterinary Department, Vallabh Bhawan, Bhopal, MP.
2. The Director, Veterinary Services, Bhopal (M.P.)
3. Managing Director, M.P. Cattle and Poultry Development Corporation Broiler House Kotra Sultanabad Bhopal, M.P.
4. Joint Director, Veterinary Services, Rewa, Distt- Rewa [M.P.]
5. Chief Executive Officer, Jila Panchayat Mandla, Distt- Mandala [M.P.]
6. Chief Executive Officer, Jila Panchayat- Seoni, Distt- Seoni [M.P.]
7. Assistant Director, Veterinary Services Rander Pest Rewa, Distt- Rewa [M.P.]
8. Executive Cattle And Poultry Development Corporation Mandala, Distt- Mandala, [M.P.]

APPLICATION SEEKING REVIEW OF THE ORDER DATED 24.11.2014

WRIT PETITION NO. 7370/2006 BY HON'BLE JUSTICE SHRI  
JUSTICE K.K. TRIVEDI.

Arising out of the order dated  
24.11.2014 order dated 24.11.2014 passed in Writ  
Petition no. 7370/2006 by Hon'ble Justice Shri

Justice K.K. Trivedi whose certified copy is being filed herewith as isfiled as Annexure A-2

The humble petitioner respectfully submits as under:

1. That, the husband of the petitioner was holding the substantive post of Veterinary Assistant Surgeon in the Veterinary Department of the State. However, he at the relevant time posted on deputation as Executive Officer in M.P. State Cattle and Poultry Development Corporation and he was in-charge of three districts namely Mandala, Seoni and Damoh.
2. That, when the husband of the petitioner was on deputation in the Corporation as narrated above, he met with an accident which proved out to be fatal and accordingly he died on 18.10.1995. It is submitted with respect that in the life time of petitioner's husband there was no enquiry of any kind or complaint was pending against him, the petitioner's husband was never ever served with any kind of show cause notice as such.
3. That, after the death of husband, the petitioner being legal heir of the deceased submitted several representations for monetary benefits of which she is legally entitled viz. settlement of pension, payment of balance amount of gratuity, final payment of G.P.F. of account no. V[NMP]8144 and payment of group insurance scheme and also for other entitlements. Being a benevolent employer it was the duty of respondents to release the payment to the petitioner as mentioned above forthwith, however meager amount of rupees 6220/- towards family welfare fund, Rs.13280/- towards group insurance, Rs.71522/- against gratuity and Rs. 16352/- against leave encashment were released to the petitioner hence she preferred Writ Petition No. 2370/2006 claiming the benefits detailed in Para seven of the memo of

**HIGH COURT OF MADHYA PRADESH, JABALPUR**

**Review Petition No.48 of 2016**

Smt.Manorma Singh

Versus

State of Madhya Pradesh & others

**Present : Hon. Shri Justice Rajendra Menon  
Hon. Shri Justice S.K.Palo**

Shri Mrigendra Singh, learned Senior Advocate with Shri Vikas Mahawar, counsel for petitioner.

Shri Akshay Namdeo, P.L., for State on advance notice.


**Whether approved for reporting:**

**Yes/No.**

**ORDER  
(3.2.2016)**

Petitioner a widowed lady has filed this application seeking review/recall of the order dated 24.11.2014 passed by the writ Court in W.P.No.7370/2006. There being a delay of about 393 days in filing the application for review, **I.A.No.1131/2016** has been filed seeking condonation of delay.

2. We have heard learned counsel for parties and even though Shri Namdeo, learned counsel for State opposed the application for condonation of delay on account of the fact



that delay has not been properly explained, we find that the delay has been attributed to some default on the part of applicant, as the applicant contends that after the death of her husband she was staying in Satna, could not contact the counsel and was not aware of decision in the matter being taken ex-parte by the Court. That apart it is stated in the application that the counsel did not appear when the matter was taken by on 24.11.2014 as the counsel could not note the case and in the absence of counsel the petition was decided ex-parte.

3. Keeping in view the fact that the petitioner is a widowed lady and a senior citizen, it is a fit case where the delay in filing the application for review should be condoned.

4. Accordingly, the delay in filing the application for review is condoned.

5. **I.A.No.1131/2016** stands allowed and disposed of.

6. The facts that have come on record goes to show that the applicant's husband was working in Veterinary Department. He was sent on deputation to the M.P.State Cattle and Poultry Development Corporation, Mandla. He came back after deputation and ultimately died. It was alleged that while on deputation in the Corporation he had committed certain defalcation and therefore a sum of Rs.26,10,614.20p. were to be recovered from him. On account of aforesaid it seems that pensionary benefits and other monetary service benefits were not extended to the



petitioner after death of her husband, including family pension. Accordingly seeking the aforesaid benefits and challenging the action of holding her husband responsible for the defalcation of Rs.26,10,614.20 p., writ petition was filed.

7. In the writ petition the respondent nos.1, 2, 4 and 7 filed and short reply and pointed out that as per the enquiry conducted while in deputation to the Corporation petitioner's husband had committed defalcation, therefore an enquiry report was received indicating the same and in view of the aforesaid, the amount of pension was initially withheld. However in para 3 of the return it is stated that now 90% of pension, 90% of gratuity and family pension has been released and in support thereof Annexure R-3 has been filed. Annexure R-3 is a certificate with regard to payment indicating payment of Rs.3,336/- to the petitioner on 12.8.2010. Similarly the 2nd page of this document indicates payment of Rs.16,352/- and again Rs.3,064/- as pension for the month of October, 1996. Apart from the aforesaid, there is nothing to indicate as to how and in what manner 90% pension is paid and when and how 90% gratuity was released and how it was indicated to the learned writ Court that family pension has also been sanctioned.

8. Infact if we go through Annexure R-3, it is seen that what was paid to petitioner was final pension Rs.6,220/-, group insurance scheme of Rs.13,280/- unpaid salary for the month of October, 1996 and unexplained cash payment of Rs.16,352/- and again salary to the tune of Rs.3,336/-. There is nothing available on record to indicate as to how, when



and in what manner the family pension was sanctioned or gratuity etc., were paid. That apart the prayer of petitioner for settling of her dues including payment of GPF amount is not considered. Infact in the order passed by learned Court, we find that the counsel for petitioner was absent and after taking note of the statement of State Government in the return that now all the retiral dues has been sanctioned and payment including the family pension has been paid and now nothing survives in the petition, the petition was dismissed.

9. The petitioner in this application has clearly indicated that gratuity and family pension has not been released and if we go through Annexure R-3, we find that there may be some dispute with regard to final settlement of post retiral benefits. Taking note of all the circumstances as the writ petition was decided behind the back of petitioner and without going through the document available, we find an error apparent on the face of the record in holding that family pension and entire gratuity has been paid, seems to be incorrect. It is a fit case where the widowed lady should be granted opportunity to place on record her case and the State granted opportunity to rebut the same and thereafter a decision taken.

10. In view of aforesaid, the application for review is allowed. Order dated 24.11.2014 passed in W.P.No.7370/2006 is recalled. W.P.No.7370/2006 is directed to be restored to its original file and directed to be placed for consideration before the appropriate Bench.

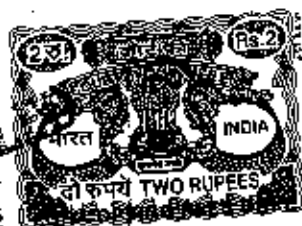
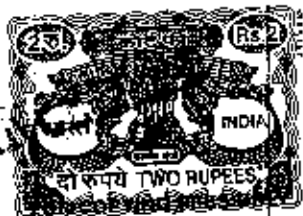
11. We may clarify that the observations made in this order and indication with regard to payment made to the petitioner on the basis of settlement amount Annexure R-3 are provisional and are not final. The State Government may take their stand in the original writ petition and any observation made herein is only to see as to whether it is a fit case for review. It is not a final determination of the dispute and the State is free to raise all such grounds as may be permissible, before the writ Court to rebut the claim of petitioner.

12. With the aforesaid, the review petition stands allowed and disposed of.

*gal*  
(RAJENDRA MENON)  
JUDGE

*89*  
(S.K. PALO)  
JUDGE

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- (13) प्रभारी अधिकारी या यदि लोक अभियोजक मुकर्रर है, तो वह जैसे ही वाद की विनिश्चय होता है परिणाम की रिपोर्ट विभागाध्यक्ष के माध्यम से सरकार को करेगा। निर्णय की एक प्रति अभिप्राप्त की जाये और रिपोर्ट के साथ भेजी जाए।
- (14) प्रभारी अधिकारी या यदि लोक अभियोजक मुकर्रर है, तो वह इस बात के लिए उत्तरदायी होगा कि उन मामलों में जहां किसी वाद के प्रक्रम में पारित किए गए किसी अंतरिम आदेश का पुनरीक्षण अपेक्षित है, समय पर कार्यवाही की गई है। अतएव वह उन आदेशों की प्रति जैसे ही पारित किया जाए, विभागाध्यक्ष के माध्यम से अपनी अनुशंसा के साथ सरकार (प्रशासकीय विभाग) को अग्रेषित करें।

मध्यप्रदेश के राज्यपाल के नाम से  
तथा आदेशानुसार

*6-5/14/3/16*  
(कलिस्ता कुजूर)  
अवर सचिव

मध्यप्रदेश शासन, पशुपालन विभाग  
भोपाल, दिनांक 14 मार्च, 2016

पृ.क्रमांक एफ-22-59/2016/पैंतीस  
प्रतिलिपि-

1. सचिव, मध्यप्रदेश शासन, विधि और विधायी कार्य विभाग, भोपाल।
2. संचालक, पशुपालन, मध्यप्रदेश, भोपाल।
3. कार्यालय-महाधिवक्ता, उच्च न्यायालय, जबलपुर।
4. डॉ. के.एस.तोमर कार्यालय-प्रबंध संचालक, म.प्र.राज्य पशुधन एवं कुक्कुट विकास निगम भोपाल प्रभारी अधिकारी की ओर अग्रेषित, साथ ही शासकीय अधिवक्ता से संपर्क करने और उपस्थिति प्रमाण पत्र प्रगति रिपोर्ट प्राप्त करने तथा अपनी प्रत्येक भेंट (विजिट) पर शासकीय अधिवक्ता से आगे की कार्यवाही के लिए सलाह करने और मामले में अपनी प्रगति रिपोर्ट के साथ उसे उसके विभागाध्यक्ष को भेजने हेतु अग्रेषित। मामले की प्रगति रिपोर्ट की एक प्रति इस विभाग के साथ विधि विभाग को सदैव ही भेजनी चाहिए वाद पत्र की एक प्रति इस विभाग को आवश्यक रूप से भेजी जाए।

*6-5/14/3/16*  
अवर सचिव

मध्यप्रदेश शासन, पशुपालन विभाग

1/4 ANNEXURE COPY TYPED

HIGH COURT OF MADHYA PRADESH

Order

Writ Petition Nos.4796/08(S)

22.02.2011.

Shri D.P. Singh, Advocate for the petitioner.

Smt. Nidhi Patankar, Deputy Government Advocate for the

respondents/State.

With the consent of the parties, this writ petition is finally at

motion hearing stage along with Writ Petitions No.1900/09(S), 1905/09(S).

ORDER

19.03.2008  
Petitioners are being aggrieved by the order dated (illegible) passed by the respondent No.2 in pursuance to the audit objections, whereby the benefit of 2<sup>nd</sup> Kramonnati of Rs.5500-9000 has been recalled and the petitioners were fixed in the pay-scale of Rs.5000-8000.

2. The petitioners are working in the Department of Veterinary Health Services. They were initially appointed as Assistant Veterinary Field Officer (AVFO). At the time of appointment the Pay-scale of the post of AVFO was Rs.169-300, which was revised from time to time and after 5<sup>th</sup> Pay-Commission, the same was fixed in the scale of Rs.4000-6000. In the year 1999, after the 5<sup>th</sup> Pay Commission, the benefit of first Kramonnati, on completion of 12 years of services has been extended to them with effect from 1.1.86 and the same has been extended to them with effect from 1.1.86 and the same has been fixed in the pay-scale of Rs.5000-8000.

3. The Government of Madhya Pradesh, General Administration Department (Salary Commission Cell) has issued notifications on 17.3.99, 19.4.99, 3.5.2000 and 17.5.2000 for extending the benefit of 2<sup>nd</sup>

