

Dy. ADVOCATE GENERAL

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MADHYA PRADESH

D. O. No. .... 1414 .....

OFFICE OF THE ADVOCATE GENERAL  
MADHYA PRADESH, JABALPUR

JABALPUR

Dated 30/1  
January 21, 2016

To,

1. The Principal Secretary,  
Govt. of M.P.,  
Law & Legislative Affairs Department,  
Vindhyachal Bhawan, Bhopal.
2. The Secretary,  
Govt. of M.P.,  
Tribal Welfare Department,  
Mantralaya, Vallabh Bhawan, Bhopal.

**Sub: -** Opinion in R.P. No.83/2015 - State & others V/s Rajya Begum and others.

Please find enclosed herewith the copy of order passed by the Hon'ble High Court in the above petition.

By the order dt.8/1/2016, the review petition filed by the Department has been allowed. By way of aforesaid review, the department has sought the review of the order dt.30/4/2014 whereby Hon'ble Division Bench has dismissed the writ appeal filed by the Department and confirmed the order dt.19/12/2012 passed by the learned Single Judge in WP No.20805/2012 whereby the benefit of regular pay scale was directed to be extended to the petitioner. Now by the order dt.8/1/2016 this Hon'ble Court clarified that the case of the writ petitioners be examined in the light of law laid down in WP No.2553/2008 (Nand Kumar Vyas V/s State of M. P.) and if in examination it is found that the case of the petitioners are covered with the order passed in Nand Kumar Vyas then benefit shall be conferred upon them. Therefore, case of each of the petitioner should be considered afresh. So kindly comply the order in letter & spirit.

**Encl.:-** As above.

(PUSHPENDRA YADAV)  
GOVT. ADVOCATE

7527

7/9/14

**RP-83-2015**

*(THE STATE OF MADHYA PRADESH Vs RAJIYA BEGUM)*

**08-01-2016**

Shri Pushpendra Yadav, learned GA for the petitioners.

Shri Subodh Kathal, learned counsel for the respondents.

Having heard learned counsel for the parties, we clarified that the order passed in the writ appeal, we find that the order passed in the writ petition and in the writ appeal was decided without notice to the respondents and without granting an opportunity to file counter affidavit. That being so, we clarified that the order passed on 30.4.14 in Writ Appeal No.967/13 directed the respondents to examine the case of the petitioner in light of the law laid down in WP No.2553/2008 (Nand Kumar Vyas Vs. State of M.P.) and on examination if it is found that the case of the petitioner is covered by the said judgment, the benefits as has been granted in the case of Nand Kumar (supra) it shall be conferred upon the respondents. Let a decision be taken within a period of 60 days.

With the aforesaid modification, this review petition is disposed of.

C.C. as per rules.

**(RAJENDRA MENON)**  
**JUDGE**

**(SUSHIL KUMAR PALO)**  
**JUDGE**