

कक्ष: क्षेत्रीय स्तर-1

पृ.सं.-

विषय: रिट पिटीशन नं. 58/2016 श्रीमती नोनी बाई विरुद्ध म.प्र.शासन एवं अन्य।

प्रधान मुख्य
वन संरक्षक
का कार्यालय
(प्रशा.।।)

प्रस्तुत है,

श्रीमती नोनी बाई द्वारा म.प्र. शासन एवं अन्य के विरुद्ध माननीय उच्च न्यायालय जबलपुर में याचिका क्र. डब्ल्यू.पी./58/2016 दायर की गई है, जिसकी सूचना इस कार्यालय में दिनांक 08.03.16 को प्राप्त हुई है, जिसमें जबाबदावा प्रस्तुत किया जाना है। प्रकरण में प्रभारी अधिकारी की नियुक्ति की जाना है।

अतः शासन पक्ष में समर्थन हेतु वन मण्डलाधिकारी दक्षिण वन मण्डल पन्ना को प्रभारी अधिकारी नियुक्त किया जाना प्रस्तावित है।

संलग्न: मूलतः याचिका की प्रति।

अपर प्रधान मुख्य वन संरक्षक (प्रशा.।।)

म0प्र0 भोपाल

11-03-2016

पदेन सचिव, वन (आई.डी.सी.)

उपरोक्तानुसार 01.03.16 की नियुक्ति हेतु कागदों का जारी किया गया। वन विभाग द्वारा पक्षसमर्थन का कागद जारी करने का कार्य करें।

विधि विभाग

पदेन सचिव
वन (आई.डी.सी.)

प्रतिरक्षा का आदेश जारी कर प्रति नरुनी पर रखी है।

वन विभाग

(अभिनाम सिंह)
अति-सचिव
विधि विभाग

(2)

कक्ष: क्षेत्रीय रथा.-1

पृ.सं.-

विषय: रिट पिटीशन नं. 58/2016 श्रीमती नोनी बाई विरुद्ध म.प्र.शासन एवं अन्य ।

प्रधान मुख्य
वन संरक्षक
का कार्यालय
(प्रशा.।।)

पूर्व पृष्ठ से आगे,

कार्यालय प्रधान मुख्य वन संरक्षक, मध्य प्रदेश, सतपुड़ा भवन, भोपाल

कक्ष— अपर प्रधान मुख्य वन संरक्षक (सतर्कता/शिकायत)

दूरभाष- 0755-2674342 (का.) 0755-2674270 (फैक्स) ई-मेल- ccfvigilance@rediffmail.com, apccfvig@mpforest.org

क्रमांक/स.शि./एम.सी.सी./2016/846

भोपाल, दिनांक 05-03-16

प्रति,

✓ अपर प्रधान मुख्य वन संरक्षक (प्रशासन-11)
सतपुड़ा भवन, भोपाल

विषय:—Notice to Respondent No. 2 in Writ Petition (Mandamus/ Prohibition / Certiorari / Quo Warranto) No. WP/58/ 2016

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माननीय उच्च न्यायालय जबलपुर का नोटिस दिनांक 28.01.2016 से प्राप्त याचिका क्रमांक/58/2016 मूलतः आपकी ओर आवश्यक कार्यवाही हेतु संलग्न प्रेषित है।
संलग्न:—उपरोक्तानुसार

(जे० के० मोहन्ती)

अपर प्रधान मुख्य वन संरक्षक (सतर्कता/शिकायत)
मध्यप्रदेश, भोपाल

(सि०-1)

167

10/3/16

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Process Id: 14606/2016

WP/58/2016

From

Kishore Pithawe
Deputy Registrar,
High Court of Judicature
at Jabalpur

FOR ADM

Fixed for 03-03-2016

WP-DA-17

Respondent No. 2

To,

Chief Principal Conservator Of Forest Bhopal,
Distt. Bhopal,
District- Bhopal (MADHYA PRADESH) ,

Jabalpur 28-01-2016

Sub: Notice to Respondent No. 2 in writ Petition(Mandamus/Prohibition/ Certiorari/Quo Warranto)
No. **WP/ 58/ 2016**

Sir/Madam,

I am directed to inform you that one **Smt. Nauni Bai** has filed a petition under Article 226 of the Constitution of India (Copy enclosed) in this Court, and the same is registered as Writ Petition (Mandamus/ Prohibition/ Certiorari/ Quo Warranto) No. **WP/58/2016**

Take notice that you are required to submit a return personally or through a duly engaged Advocate on or before **03-03-2016**. If no return is filed as aforesaid, the petition will be heard and decided ex parte.

(Seal of the Court)
Encl: Copy of Petition

Your faithfully



DEPUTY REGISTRAR

अगर प्रधान मुख्य न्यायाधीश
सतर्कता/शिकायत
म.प्र., कोषाल

25-2-16



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**IN THE HIGH COURT OF M.P. PRINCIPAL SEAT
AT JABALPUR**

WRIT PETITION NO. S.8....2016


PETITIONER ::::: Smt. Nauni Bai
Vs.

RESPONDENTS::::: The State of M.P. & ors.

INDEX

| SlNo. | Particulars of documents with Date | Annexures | Page No. |
|-------|---|------------|----------|
| 1) | Declaration Index, with writ petition, affidavit, chronological events and list of documents. | | 1 to 10 |
| 2) | Copy of order dt. 29.5.12 | Ann.P/1 | 11 |
| 3) | Copy of letters dt. 24.1.11 and 28.1.11 | Ann.P/2 | 12-13 |
| 4) | Copy of death certificates | Ann.P/3&4 | 14-15 |
| 5). | Copy of Certificate dt.6.7.09 | Ann.P/5 | 16 |
| 6) | Copy of family card and succession certificate dt.26.8.09 | Ann.P/6&7 | 17-19 |
| 7) | Copy of document and certificate of petitioner | Ann.P/8 | 20-27 |
| 8). | Copies of affidavit of petitioner and her Nand | Ann.P/9&10 | 28-30 |
| 9). | Copy of corresponding letter dt.10.2.11 | Ann.P/11 | 31 |
| 10). | Copy of representation dt.15.7.14 | Ann.P/12 | 32-33 |
| 11). | Vakalatnama. | | 34 |

JABALPUR
DATED /1 /2016


(MANOJ RAJAK)
ADVOCATE FOR PETITIONER

IN THE HIGH COURT OF M.P. PRINCIPAL SEAT
AT JABALPUR

WRIT PETITION NO.....2016

PETITIONER ::::: Smt. Nauni Bai

Vs.

RESPONDENTS ::::: The State of M.P. & ors.

CHRONOLOGICAL EVENTS.

1). That, the petitioner who is widow lady and is daughter in law of deceased employee late Shri Pannalal Ahirwar who was serving as Forester under the control of respondents expired on 28.2.09 and also her husband expired on 27.6.09. Copies of death certificate are filed as per Ann.P/3&4.

2). That the certificate issued by Sachiv Gram Panchayat Jharkua Distt: Panna dt. 6.7.09 as per Ann.P/5 family card as per Ann.P/6 and succession certificate dt. 26.8.09 issued by Collector Panna Distt: Panna is filed as per Ann.P/7. That, the petitioner is filing her own documents as per Ann.P/8.

3). That, the petitioner sworn affidavit on 29.9.09 as per Ann.P/9. The Affidavit also sworn by the daughter of deceased employee named Smt. Rani wife of Ganga Ahirwar on 29.9.09 as per Ann.P/10.

4). That, the petitioner who has completed all the required requisite formalities for appointment and to this effect the respondent/dept. also issued the corresponding letter dt. 10.2.11 as per Ann.P/11. Also Ann.P/2 After rejection of her claim of appointment on compassionate ground by the respondent/dept. as per Ann.P/1 she was unaware about the proceeding and then also submitted the representation to the respondent No.3 on 15.7.14 as per Ann.P/12.

JABALPUR

DATED /1 /2016


(MANOJ RAJAK)
ADVOCATE FOR PETITIONER

**IN THE HIGH COURT OF M.P. PRINCIPAL SEAT
AT JABALPUR**

WRIT PETITION NO.....2016

PETITIONER::: Smt. Nauni Bai
wd/o late Ghanshyam Ahirwar
aged about 32 years, R/o vill.
Kudera P.O. Jharkua Tah.
Gunnaur Distt: Panna M.P.

Vs.

RESPONDENTS :: 1) The State of M.P.
Through the Secretary Forest
Dept. Mantralaya Vallabh
Bhawan, Bhopal.

2).The Chief Principal
Conservator of Forest Bhopal
M.P.

3).The Chief Conservator of
Forest Chhatarpur Circle
Chhatarpur M.P.

4).The Divisional Forest
Officer, South Forest Divn.
Panna Distt: Panna M.P.

5).The Collector Panna Distt:
Panna M.P.

**WRIT PETITION UNDER ARTICLE 226 OF
CONSTITUTION OF INDIA**

**1).Particulars of order against which petition is
made:-**

- i)Order No.Estt/2012/3297.
- ii)Order dt. 29.5.12
- iii)Issued by : Respondent No.4

iv)Subject in Brief:-

That, the petitioner who is widow lady
and is daughter in law of deceased employee late

4

Shri Pannalal Ahirwar who was serving as Forester under the control of respondents expired on 28.2.09 and also her husband expired on 27.6.09 leaving three minor issues is challenging the legality, validity and propriety of the order impugned dt. 29.5.12 issued by respondent No.4 as per Ann.P/1, whereby her claim for appointment on the ground of compassionate appointment has been rejected in the light of circular dt.18.8.08 and 9.1.09 holding that she does not come within the ambit as per clause 2-2 of the circular of Govt. though by the same authority i.e. the respondent No.4 issued the letter also the respondent No.5 dt. 24.1.11 and 28.1.11 as per Ann.P/2 to the respondent No.5. holding that she is eligible for appointment on compassionate ground as per circular dt. 9.1.09 but at the relevant time she was not dependent upon the deceased employee and sought the instruction in the matter. The order impugned is illegal, improper and has been issued just to avoid her legitimate claim she is seeking direction of this Hon'ble Court to the respondents by quashing the order impugned Ann.P/1.

2) The petitioner declares that she has not filed any application or suit regarding the subject matter in any court of law.

3). Details of remedies exhausted.

The petitioner declares that she has availed all the statutory remedy available to her.

4) Delay if any in filing the petition prayed for

That, the petitioner who is illiterate widow lady and is daughter in law of deceased employee late Shri Pannalal Ahirwar who was serving as Forester under the control of respondents expired on 28.2.09 and also her husband expired on 27.6.09 leaving three minor issues due to financial scarcity and unawareness of proceeding did not come in time to file the petition before this Hon'ble Court recently she came to know about the proceeding then contacted her counsel on 29.12.15 for filing this petition before the Hon'ble Court.

5) FACTS OF THE CASE

Briefly stated facts of the case are given here in below

5.1) That, the petitioner is citizen of India residing within the territorial jurisdiction of this Hon'ble Court, she is invoking the writ jurisdiction of this Hon'ble Court against the illegal, arbitrary and malafide act and deed on the part of respondent/ dept. in issuing the order impugned Ann.P/1.

5.2). That, the petitioner who is widow lady and is daughter in law of deceased employee late Shri Pannalal Ahirwar who was serving as Forester under the control of respondents expired on 28.2.09 and also her husband expired on 27.6.09 Copies of death certificate are filed as per Ann.P/3&4.

5.3).That the petitioner is having three minor issues named Anurag Ahirwar aged about 14 years, Dheerendra 10 and Abhisheikh aged about 8 years, years which are well evident from the certificate issued by Sachiv Gram Panchayat Jharkua Distt:Panna dt. 6.7.09 as per Ann.P/5 family card as per Ann.P/6 and succession certificate dt. 26.8.09 issued by Collector Panna Distt: Panna is filed as per Ann.P/7.

5.4).That, the petitioner is filing her own documents with regard to claim of appointment on compassionate ground such as Voter I.D. Resident certificate, caste Certificate, Adhar Card and Samagra I.D. and marksheet of middle School are filed Collectively as per Ann.P/8.

5.5).That, the petitioner sworn affidavit on 29.9.09 detailing that she is sole legal heir of deceased employee and also detailed that she is entitled for appointment on compassaint ground and she will comply with all terms and conditions as are imposed in case the appointment is given to her as per Ann.P/9. The Affidavit also sown by the daughter of deceased employee named Smt.Rani wife of Ganga Ahirwar who married in the year 1997

giving consent to appoint the petitioner on 29.9.09 as per Ann.P/10.

5.6).That, the petitioner who has completed all the required requisite formalities for appointment and to this effect the respondent/dept. also issued the corresponding letter dt. 10.2.11 as per Ann.P/11. After rejection of her claim of appointment on compassionate ground by the respondent/dept. she was unaware about the proceeding and then also submitted the representation to the respondent No.3 on 15.7.14 as per Ann.P/12.

5.7).That the order impugned dt. 29.5.12 issued by respondent No.4 as per Ann.P/1, whereby her claim for appointment on the ground of compassionate appointment has been rejected in the light of circular dt.18.8.08 and 9.1.09 holding that she does not come within the ambit as per clause 2-2 of the circular of Govt. though by the same authority i.e. the respondent No.4 issued the letter also the respondent No.5 dt. 24.1.11 and 28.1.11 as per Ann.P/2 to the respondent No.5. holding that she is eligible for appointment on compassionate ground as per circular dt. 9.1.09 but at the relevant time she was not dependent upon the deceased employee and sought the instruction in the matter. The order impugned is illegal, improper and has been issued just to avoid her legitimate claim she is seeking direction of this Hon'ble Court to the respondents by quashing the order impugned Ann.P/1.

6)GROUNDS URGED

6.1).That,the order impugned dt. 29.5.12 issued by respondent No.4 as per Ann.P/1, whereby her claim for appointment on the ground of compassionate appointment has been rejected in the light of circular dt.18.8.08 and 9.1.09 holding that she does not come within the ambit as per clause 2-2 of the circular of Govt. though by the same authority i.e. the respondent No.4 issued the letter also the respondent No.5 dt. 24.1.11 and 28.1.11 as per Ann.P/2 to the respondent No.5. holding that she is eligible for appointment on compassionate ground as per circular dt. 9.1.09 but at the relevant time she was not dependent upon the deceased employee and sought the instruction in the matter.

7

6.2).That, the petitioner who has completed all the required requisite formalities for appointment and to this effect the respondent/dept. also issued the corresponding letter dt. 10.2.11 as per Ann.P/11. After rejection of her claim of appointment on compassionate ground by the respondent/dept. she was unaware about the proceeding and then also submitted the representation to the respondent No.3 on 15.7.14 as per Ann.P/12.

6.3).That, the petitioner who is widow lady and is daughter in law of deceased employee late Shri Pannalal Ahirwar who was serving as Forester under the control of respondents expired on 28.2.09 and also her husband expired on 27.6.09 Copies of death certificate are filed as per Ann.P/3&4.

6.4).That the order impugned is illegal, improper and has been issued just to avoid her legitimate claim she is seeking direction of this Hon'ble Court to the respondents by quashing the order impugned Ann.P/1.

7)RELIEF,PRAYED FOR

In view of the facts and circumstances of this case the petitioner prays for following reliefs:-

i).To call for the relevant record pertaining to the subject matter for kind perusal of this Hon'ble Court.

ii).To quash the order contained in Ann.P/1, directing the respondents to appoint the petitioner on suitable post in the respondent/dept. as per her qualification in place of her father in law late Pannalal Ahirwar who was serving as Forester in the dept. by issuing an appropriate writ order and direction.

iii)Any other relief which this Hon'ble Court deems fit and proper may also be passed together cost of the petition

8)INTERIM ORDER, IF ANY, PRAYED FOR:-

Pending final decision of the petition effect of the order contained in Ann.P/1 may kindly be stayed directing the respondents to appoint the

petitioner on suitable post in the respondent/dept. as per her qualification in place of her father in law late Pannalal Ahirwar who was serving as Forester in the dept. by issuing an ad interim appropriate writ order and direction.

9)The documents relied upon but are not in her possession Nil.

10)CAVEAT:- That, no notice of lodging a caveat is received from the opposite party.

JABALPUR

DATED. /1 /16


(MANOJ RAJAK)
ADVOCATE FOR PETITIONER

IN THE HIGH COURT OF M.P. PRINCIPAL SEAT
AT JABALPUR

WRIT PETITION NO.....2016

PETITIONER ::::::Smt.Nauni Bai

Vs.

RESPONDENTS:::: The State of M.P.& ors.

AFFIDAVIT

I, Smt. Nauni Bai wd/o late Ghanshyam Ahirwar aged about 32 years, R/o vill. Kudera P.O. Jharkua Tah. Gunnaur Distt: Panna M.P.do hereby state on oath as under;-

1)That, I am the Petitioner in this case and am well conversant with the facts of the annexed petition .

2)That, the contents of petition vide paras 1 to 10 have been drafted on my instructions and they have been explained to me in Hindi they are true and correct as per my personal knowledge and belief.

नो नोनाई

Verification

I, the above named deponent do hereby verify that the contents of the above affidavit vide paras 1 to 2 are true and correct. Verified and signed on this th day of JAN 2016 here at Jabalpur
Identified by me

Adv.

नो नोनाई

**IN THE HIGH COURT OF M.P. PRINCIPAL SEAT
AT JABALPUR**

WRIT PETITION NO.....2016

PETITIONER ::::: Smt. Nauni Bai

Vs.

RESPONDENTS::::: The State of M.P.& ors.

LIST OF DOCUMENTS.

| SINo. | Particulars of documents with Date | Ann/Copy/Certified | Page No. |
|-------|---|--------------------|----------|
| 1) | Copy of order dt. 29.5.12 | Ann.P/1copy | 1 |
| 2) | Copy of letters dt. 24.1.11 and 28.1.11 | Ann.P/2 copy | 2 |
| 3) | Copy of death certificates | Ann.P/3&4 copy | 2 |
| 4) | Copy of Certificate dt.6.7.09 | Ann.P/5 copy | 1 |
| 5) | Copy of family card and succession certificate dt.26.8.09 | Ann.P/6&7 copy | 2 |
| 6) | Copy of document and certificate of petitioner | Ann.P/8 copy | 6 |
| 7) | Copies of affidavit of petitioner and her Nand | Ann.P/9&10 copy | 3 |
| 8) | Copy of corresponding letter dt.10.2.11 | Ann.P/11 copy | 1 |
| 9) | Copy of representation dt.15.7.14 | Ann.P/12 copy | 2 |

JABALPUR

DATED /1 /2016

(MANOJ RAJAK)

ADVOCATE FOR PETITIONER



Annex- P/1

कार्यालय वनमण्डलाधिकारी दक्षिण वनमण्डल पन्ना (म.प्र.)

Office - 07732 - 252016, 291323, E-mail - dfosouth@rediffmail.com

क्रमांक/स्थापना/2012/ 3294

पन्ना /दिनांक 29-5-2012

श्रीमती नोनीबाई पुत्रवधू
स्व. श्री पन्ना लाल अहिरवार वनरक्षक
जिला पन्ना (म.प्र.) ग्राम पो0 झरकुआ (कुदरा)

विषय :- अनुकम्पा नियुक्ति प्रकरण श्रीमती नोनीबाई पुत्रवधू स्व.श्री पन्ना लाल अहिरवार वनरक्षक

संदर्भ :- आपका आवेदन पत्र दिनांक 26.2.2012 प्राप्त दिनांक 28.2.2012

—00—

उपरोक्त विषय में आपका संदर्भित आवेदन पत्र वरिष्ठ को मार्गदर्शन हेतु भेजा गया था। श्री पन्ना लाल अहिरवार वनरक्षक की मृत्यु दिनांक 28.2.2009 को होने के पश्चात् आपके पति श्री घनश्याम अहिरवार जीवित थे। तथा आप स्व. श्री पन्ना लाल अहिरवार वनरक्षक के जीवित रहते हुये उन पर आश्रित नहीं थी बल्कि अपने पति श्री घनश्याम अहिरवार के आश्रित रह रही थी। उपरोक्त के संबंध में प्रधान मुख्य वनसंरक्षक के पत्र क्रमांक/प्रशासन-II क्षे./स्था./2534 भोपाल दिनांक 5.5.2012 से प्राप्त मार्गदर्शन अनुसार आप श्री पन्ना लाल अहिरवार वनरक्षक की मृत्यु दिनांक 28.2.2009 को उन पर आश्रित नहीं होने से अनुकम्पा नियुक्ति पात्रता नहीं होती है।

अतएव म.प्र. शासन सामान्य प्रशासन विभाग भोपाल के पत्र क्रमांक/सी/3-4/1/3/06 दिनांक 18.8.2008 एवं क्रमांक-सी/3-13/1/3/08 दिनांक 9.1.2009 की कड़िका 2-2 के अनुसार आपको अनुकम्पा नियुक्ति की पात्रता नहीं होने से आपका आवेदन पत्र दिनांक 26.2.2010 प्राप्त दिनांक 28.2.2010 नस्तीबद्ध किया जाता है।

वनमण्डलाधिकारी
दक्षिण वनमण्डल पन्ना (म.प्र.)
पन्ना /दिनांक

क्रमांक/स्थापना/2012/
प्रतिलिपि :-

- मुख्य वनसंरक्षक छतरपुर वृत्त छतरपुर की ओर उनके पृष्ठ क्र./स्था/1912 दिनांक 18.5.2012 के संदर्भ में सूचनार्थ सम्प्रेषित।
- कलेक्टर पन्ना जिला पन्ना की ओर उनके पत्र क्र./797 दिनांक 17.11.2011 के संदर्भ में सूचनार्थ अग्रेषित।

संलग्न :- पृष्ठ 3-2534
5/5/2012

वनमण्डलाधिकारी
दक्षिण वनमण्डल पन्ना (म.प्र.)

कार्यालय कलेक्टर जिला पन्ना (मध्य प्रदेश)

क्र. /
प्रति, /स्था. / 2011

पन्ना दिनांक जनवरी 2011

वनमण्डलाधिकारी
दक्षिण वनमण्डल पन्ना
(मध्य प्रदेश)

विषय : श्रीमती नौनी बाई की अनुकम्पा नियुक्ति के संबंध में ।
संदर्भ : आपका पत्र क्रं./स्था./2011/266 पन्ना/दिनांक 18.01.2011 ।

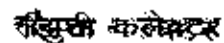


विषयान्तर्गत संदर्भित पत्र के माध्यम से आपके द्वारा लेख किया गया है कि मध्य प्रदेश शासन सामान्य प्रशासन विभाग मंत्रालय भोपाल के परिपत्र क्रमांक /सी/3-4/1/3/06 दिनांक 18.08.2008 की कंडिका 2-1 से 2-3 के अन्तर्गत आवेदिका श्रीमती नौनी बाई जो कि स्व. श्री अहिरवार की पुत्रवधू हैं, को अनुकम्पा नियुक्ति की पात्रता नहीं है ।

जबकि म0प्र0 शासन सामान्य प्रशासन विभाग भोपाल द्वारा जारी ज्ञाप क्रमांक सी-3-13/1/3/08 भोपाल दिनांक 09 जनवरी 2009 में इस तथ्य का उल्लेख किया गया है कि शासकीय सेवकों की सेवाकाल में मृत्यु होने पर अनुकम्पा नियुक्ति द्वारा जारी परिपत्र की कंडिका 2.2 की अंतिम पंक्ति में शब्द-अथवा के पश्चात् निम्न लिखित पंक्ति स्थापित की जाय-

उपरोक्त पात्र सदस्य न होने की स्थिति में विधवा पुत्रवधू जो शासकीय सेवक की मृत्यु के समय उस पर पूर्णतः आश्रित होकर साथ रह रही हो। को भी अनुकम्पा नियुक्ति की पात्रता होगी। अतएव शासन के उक्त निर्देशों के तहत आवेदिका के आवेदन पर का समुचित निराकरण किये जाने की कार्यवाही करते हुये आवेदिका एवं इस कार्यालय को अवगत कराया जाना सुनिश्चित करें ।

संलग्न : 1. आवेदिका द्वारा प्रस्तुत मूल आवेदन पत्र ।
2. शासन द्वारा जारी निर्देश की छाया प्रति ।


वास्ते कलेक्टर जिला पन्ना (म.प्र.)

पन्ना दिनांक 24 जनवरी 2011

पृ. क्र. / 67 /स्था. / 2011
प्रतिलिपि :-

1. भेवा श्रीमती नौनीबाई अहिरवार पत्नी स्व. श्री घनश्याम अहिरवार निवासी ग्राम झरकुआ (कुदश) तह. अमानगंज जिला पन्ना म.प्र. की ओर सूचनार्थ ।


वास्ते कलेक्टर जिला पन्ना (म.प्र.)

वास्ते कलेक्टर जिला पन्ना (म.प्र.)