

**(1992) 09 KL CK 0025**

**In the High Court Of Kerala**

**Case No : W.A. No's. 464, 486 and 590 of 1992**

Govt. of Kerala

APPELLANT

Vs

Thulaseedharan

RESPONDENT

**Date of Decision : 02-09-1992**

**Acts Referred:**

Constitution of India, 1950 — Article 14

**Citation : (1993) 2 ILR (Ker) 576 : (1993) 1 LLJ 179**

**Hon'ble Judges : Jagannadha Rao, C.J.; Krishnamoorthy, J**

**Bench : Division Bench**

**Advocate : V.K. Beeran, A.A.G II, for the Appellant; S.A. Razzak, Pirappancode V. Sreedharan Nair and M.I. Joseph, for the Respondent**

**Final Decision : Allowed**

## Judgement

Jagannadha Rao, C.J.—These three appeals are by the State of Kerala and are directed against the common judgment of the learned single Judge in Writ Petitions O.P. Nos. 1827 of 1991, 6393 of 1988, 5294 of 1988 and other cases dated August 16, 1991 1991 (2) KLT 683. All the cases raise questions relating to claims made under the Dying-in-Harness Scheme of the Government of Kerala providing "Employment Assistance" to the relatives and dependants of Government servants. The scheme has its origin in an executive order, G.O. M.S. No. 20/70/PD dated January 21, 1970 and had been periodically amended over the years and replaced by orders consolidating the amendments. The last of such orders whose interpretation falls for consideration in these cases are G.O.(P) 64/86 GAD dated February 28, 1986 and G.O. (P) No. 34/87/P and ARD dated December 17, 1987 (Ext.P9). In fact, the last part of clause 34 in Ext. P9 i.e., G.O. (P) No. 34/87/P & ARD dated December 17, 1987, which is applicable to the "second applicant" in the family to the effect-

"This concession shall be made operative with respect to cases of deaths occurred on or after July 1, 1983"

has been now questioned on the ground that July 1, 1983 has no nexus with the object of G.O. and the learned single Judge has under the impugned judgment, quashed that part alone, following the decision of the Supreme Court in D.S. Nakara and Others Vs. Union of India (UOI),

2. At the outset, it is necessary to note that, in all the three appeals, the writ petitioner-respondent is a "second applicant" from the family of the deceased Government servant, seeking employment consequent to the rejection of the application of another person from the same family. It is common ground that for the first time a "second applicant" in the family of the deceased Government servant had been made eligible to apply for employment in Government after the rejection of the application of another person from the same family and while conferring such a new right, a restriction has been imposed that the cases of such "second applicants" are liable to be considered only if the death of the Government servant in question had taken place on or after July 1, 1983. It is this date that has been struck down as arbitrary by the learned single Judge.

3. Before going further into the matter, we shall refer to the facts in the three cases : (1) In W.A. No. 464 of 1992 (O.P. No. 1827 of 1991), the Writ Petitioner is Sri. N.K. Thulaseedharan. His father, Sri. V. Neelakantan Pillai, died on December 26, 1963 while working as a teacher in a Government owned Lower Primary School leaving behind him, his widow, two sons and a daughter. The Writ Petitioner's brother Sri. N.K. Somasekharan applied for employment under the Dying-in-Harness Scheme on June 13, 1983 but the same was rejected under Ext. P2 dated April 26, 1984 on the ground that it was belated. The petitioner's date of birth is May 25, 1961 and he attained majority on May 25, 1979. In G.O.M.S. 46/79/GAD dated January 16, 1979, the Government had prescribed a time limit of one year from the date of attaining majority in the case of minors. That period expired on May 25, 1980 but the petitioner did not apply on the ground that his brother's application was pending. After his brother's application was rejected on April 26, 1984 the petitioner applied (the date of application is not given) but the Government rejected the same as per Ext. P4 dated February 23, 1988 as being "inadmissible as per existing rules". Thereafter, the petitioner applied again for condonation of delay and the same was condoned as per Ext. P5 dated May 17, 1988 by the Chief Minister, under his special powers. Then the petitioner submitted his application afresh on May 30, 1988 as per Ext. P6. The Director of Public Instruction called for a report on June 13, 1988 as per Ext. P-7 from other offices, the report was sent as per Ext. P8 dated March 20, 1989. The application is still pending. The petitioner then filed the present writ petition O.P. 1827 of 1991 on February 19, 1991 seeking a writ of mandamus for suitable appointment and for striking down the last sentence in clause 34 of Ext. P9-G.O. (P) No. 34/87/ P & ARD dated December 17, 1987: (ii) In W.A. No. 486 of 1992 (O.P. No. 6393 of 1988), the writ petitioner is Joy Joseph. His father late Sri. S. Joseph died in harness on April 12, 1982 while working as U.D.C. in the Public Health Engineering Department of the Government, leaving behind him, his widow, two sons and three daughters. The elder brother of petitioner, one J.

Gilbert applied (see paragraph 9 of the O.P.) and that application was rejected as the income of the family exceeded the prescribed limit. The petitioner's date of birth is February 25, 1963 and he attained majority on February 25, 1981 and applied and the same was rejected on August 29, 1983 as per letter dated December 9, 1985 by the Chief Engineer on the ground that the family income was more than the prescribed Rs. 9000/- per annum. Then the petitioner again applied to the Hon'ble Minister for relaxing the rules as per Ext. P1 dated September 2, 1985 and the Chief Engineer recommended rejection as per Ext. P.2 dated December 9, 1985. On the plea that in G.O. (P) No. 424/86/GAD dated October 31, 1986 and G.O. (P) No. 28/87/GAD dated January 15, 1987 the Government has dispensed with income limit in case of deaths of Government servants after July 1, 1983, the petitioner applied again as per Exts. P5 and P5(a) dated January 1, 1987 and by petition dated January 18, 1988. He did not disclose that his brother's application was rejected earlier. By Ext. P7 dated February 25, 1989, the petitioner's application dated January 18, 1988 was rejected by the Government on the ground that his brother J. Gilbert's application was rejected earlier on the ground that the family income exceeded the then existing family income ceiling. Questioning Ext. P7 and challenging the last sentence in paragraph 34 of the G.O. dated December 17, 1987, the writ petition was filed: (iii) WA. No. 590 of 1992 (O.P. No. 5294 of 1988): The Writ Petitioner Kum. Elsamma Methew is the daughter of a Junior Engineer in the Public Works Department. Her father Sri. Mathulla died on November 16, 1977 leaving behind him, his wife, one son and four daughters. The petitioner's mother is a primary school teacher and she was to retire in March 1989, after the filing of the O.P. Initially, the petitioner's brother Sri.Abraham Mathew applied on January 21, 1978 under the Dying-in-Harness Scheme and his application was rejected as per Ext.PI dated July 5, 1980 on the ground that the income of the family was in excess of the ceiling limit. Thereafter the Government issued a G.O. dated February 28, 1986 raising the income limit to Rs. 9000/- per annum in cases of death of Government servant on or after January 1, 1982, while in cases of death prior to January 1, 1982, the income limit would be Rs. 6000/-Then Government issued G.O. (P) 424/86/GAD dated October 31, 1986 dispensing with ceiling on income in cases of Government servants dying on or after July 1, 1983. G.O. (P) 78/87 dated January 15, 1987 provided three year period after majority for applications to be filed by minor children of Government servant, if such Government servant had died prior to July 1, 1983 and if the minor has become a major later and is filing an application after July 1, 1983. The petitioner became a major on April 25, 1984 and filed the application on February 23, 1987 but the Government rejected the application on March 1, 1988 by Ext. P6 and the reasons were given in Ext. P7 dated April 16, 1988 saying that the petitioner's elder brother's application having been rejected earlier, the petitioner cannot apply unless the case was one where the Government servant died on or after July 1, 1983. Questioning the limitation as to date, the present writ petition is filed.

4. The Government filed two counters covering all the writ petitions and tried to give reasons for giving special benefit to the "second applicant" in the family only to cases where the Government servant had died after July 1, 1983. We shall advert to those reasons later. One of the reasons, however, was that the revision of pay scales of Government servants took place with effect from July 1, 1983.

5. The learned single Judge allowed the writ petitions holding that the date July 1, 1983 was arbitrarily fixed by the Government and that it had no nexus with the object sought to be achieved. The fact that the pay revision took effect from July 1, 1983 was, according to the learned Judge, of no relevance. The writ petitions were all allowed in favour of the "second applicants" in each of the families of the deceased Government servant. It is this judgment that is questioned in these appeals.

6. The point for consideration in these appeals is, whether, while granting for the first time in the G.O. dated December 17, 1987 a concession for a "second applicant" in the family of the Government servant to seek employment under the Dying-in-Harness Scheme (after rejection of the application of the first applicant), the Government of Kerala could, in spite of the decision in Nakara's case (supra), have restricted the concession only to cases of Government servants dying on or after July 1, 1983?

7. We shall first refer to Clause 34 of the G.O. dated December 17, 1987 which, in its last sentence, contains the impugned restriction. Clause 34 reads thus:

"Clause 34: Employment assistance under the scheme will be given only on fulfilment of the general conditions mentioned above. Appointment shall be given to one eligible dependent of the deceased Government servant. If on examination, one applicant (dependent) is found ineligible for employment assistance and on rejection of his application, the applications submitted by other eligible dependants shall be considered. This concession shall be made operative with respect of cases of deaths occurred on or after July 1, 1983."

8. Writ petitioners (respondents) contend that July 1, 1983 is arbitrary and has no nexus with the object sought to be achieved and that the benefit even if it is conferred for the first time on the "second applicant" in the family, cannot be confined to cases of death of Government servants on or after July 1, 1983. In the three O.Ps., the death occurred prior to July 1, 1983.

9. It is necessary to first analyse what was actually decided in Nakara's case (supra) and the distinction between division of a class of persons governed by an existing scheme and the creation of a new scheme, where a specified date has brought about such a division. It is also necessary to deal with the principles regarding application of Article 14 of the Constitution to cut-off dates, particularly those dealing with pension, scales of pay, gratuity and provident fund. After ascertaining the principles, we shall endeavour to apply them to the cut-off date in the Dying-in-Harness Scheme.

10. Nakara's case (supra), in our view, did not lay down anything new in regard to discrimination based on a date chosen from the calendar. In Union of India (UOI) and Another Vs. Parameswaran Match Works and Others, , the Supreme Court while holding that a date chosen for the purpose of a concessional rate of excise could be termed arbitrary, however, if a difference is to be made between the past and the present, for purpose of protecting smaller manufacturers, that would not mean that the date is "taken from a hat". The date was upheld. But in Government of India, represented by Secretary, Ministry of Finance and Others Vs. Dhanalakshmi Paper and Board Mills, Tiruchirapalli, ), the date was struck down, in the case of the Central Excise Rules, on the basis that:

"Benefit of concessional rate was bestowed upon the entire group of assessee referred therein and by Clause (a) of provision (3), the group was sub-divided into two classes without adopting any differentia having rational relation to the object of the Notification, and the benefit to one class was withdrawn while retaining it in favour of another."

What happened actually in Nakara's case? The position is summarised exquisitely in a latter case by Verma, J. in Indian Ex-Services League v. Union of India 1992 1 LLJ 765 (SC) at 770 (para 12) : The liberalised pension scheme, in Nakara's case (supra) provided for computation of pension according to a more liberal formula under which "average emoluments" were determined with reference to the last ten month's salary instead of thirty-six month's salary provided earlier, yielding a higher average, coupled with a slab system raising the ceiling limit for pension. In that context the Supreme Court held that where the "mode of computation" of pension was liberalised from a specified date, its benefit must be given not merely to retirees subsequent to that date, but also to earlier existing retirees irrespective of their date of retirement. In other words, when the right of the group continued as such, and a change of the mode of computation of pension is introduced later, such change in computation cannot bring about any discrimination in the right itself. Nakara's case was explained by Verma, J.: (p.770):

"It was clearly stated (in Nakara's case) that if the pensioners form a class, their computation cannot be by different formula, affording unequal treatment solely on the ground that some retired earlier and some retired later. This according to us is the decision in Nakara and no more".

11. Nakara's case, itself points out the difference in introduction of a new scheme with reference to a date for the first time and division of an existing homogeneous group which is already under a scheme, into two groups with reference to a date. It says D.S. Nakara and Others Vs. Union of India (UOI), t 118-para 46:

"And beware that it is not a new scheme, it is only a revision of existing scheme. It is not a new retiral benefit. It is an upward revision of an existing benefit. If it was a wholly new concept, a new retiral benefit, one could have appreciated an

argument that those who had already retired could not expect it..... And a revision of an existing benefit stand on a different footing than a new retiral benefit."

12. Pay-scale revision has come up for consideration. It was pointed out in Nakara's case (supra) that if revised pay-scales are introduced from a certain date, all existing employees are to be brought on to the revised scales by adopting a theory of fitments and increments for past service: (p 118-para 46)

"In other words, benefit of revised scales is not limited to those who enter service subsequent to the date fixed for introducing revised scales but the benefit is extended for all those in service prior to that date."

However, a revision of pay-scales from a future date cannot be claimed by those who have retired from service when such revision is effective from a date after their retirement. This is obvious, and is also stated in State Government Pensioners' Association and Others Vs. State of Andhra Pradesh, , at 1909. Thakkar, J. observed that:

"Improvements in pay-scales by the very nature of things can be made prospectively so as to apply to those who are in employment on the date of upward revision. Those who were in employment say in 1950, 1960 or 1970, lived, spent and saved, on the basis of the then prevailing cost of living structure and pay scale structure, cannot invoke Article 14 in order to claim the high pay-scale brought into force say, in 1980."

13. Coming to the case of Gratuity, it was pointed out in the same case, State Govt. Pensioners' Association v. State of A.P., (supra) that payment of gratuity with prospective effect from a specified date on which employees might have retired, cannot be held to be discriminatory so far as those who retired before that date. This is because "the amount crystallized on the date of retirement on the basis of the salary drawn by him on the date of retirement. The transaction is complete and closed. There is no scope for upward or downward revision of the formula ordered later on in future unless the provision in this behalf expressly so provides retrospectively".

14. In regard to Provident Fund, the Supreme Court had occasion to deal with the question in Krishena Kumar and Others Vs. Union of India and others, . In that case, the option given to the Railway employees covered by the Provident Fund Scheme to switch over to the Pension Scheme with effect from a specified cut-off date was held to be not violative of Article 14 of the Constitution of India. It was pointed out by the Constitution Bench that in Nakara's case (supra), it was not laid down that all retirees formed a class and no further classification was permissible. In cases of P.F. retirees, "each one's right having finally crystallised" on the date of retirement and on receipt of P.F. benefits, and there being no continuing obligation thereafter, they could not be treated on par with living pensioners. This principle was applied in another Provident Fund Case in State of Rajasthan Vs. Rajasthan Pensioner Samaj, . Retirees governed by

Provident Fund Scheme were held not entitled to later on switch over, as of right, to a Pension Scheme. Retirees who have already got their P.F. benefits crystallised and received the same cannot try to take advantage of any additional P.F. benefits given to future retirees, unless, of course, such benefits are given express retrospective effect. This principle regarding Provident Fund was again reiterated in yet another recent case in All India Reserve Bank Retired Officers Association and others Vs. Union of India and others, . In that case, a pension scheme was introduced in lieu of a Provident Fund Scheme but was made applicable only to those who retired on or after January 1, 1986. It was held that retirees before January 1, 1986 could not claim the benefit thereof and that the date was not arbitrary. After referring to Nakara 's case, (supra) the Supreme Court pointed out the distinction on the one hand between the bringing into force of a new scheme from a particular date and the exclusion of a group of persons from an existing scheme on the other. It was stated:

"When a State decided to revise and liberalise an existing scheme with a view to augmenting the social security cover granted to pensioners, it cannot ordinarily grant the benefit to a section of the pensioners and deny the same to the others by drawing an artificial cut-off line which cannot be justified on rational grounds and is wholly unconnected with the object intended to be achieved."

Ahmadi, J. pointed out:

"But when an employer introduces an entirely new scheme which has no connection with an existing scheme, different considerations enter the decision making process (emphasis supplied)

These "different considerations" which make a new scheme valid could be:

"One such consideration may be the financial implications of the scheme and the extent of capacity of the employer to bear the burden. Keeping in view its capacity to absorb the financial burden that the scheme would throw, the employer would have to decide upon the extent of applicability of the scheme."

From the foregoing cases, the following principles can be summarised:

(1) Whenever a benefit or liability is created for the first time and is referable to a cut-off date, and the same is attacked as discriminatory, though the initial burden under Article 14, is on the person contending that there is discrimination, the burden shifts to the State or authority concerned inasmuch as the facts upon which the discrimination is based are within the special knowledge of the State or authority which has fixed such a cut-off date.

(2) In the case of pension, once a pension scheme is applied to a homogeneous group of persons, the subsequent division thereof for purposes of grant of benefit or computation with respect to a cut-off date will not ordinarily be valid unless it can be justified on rational grounds connected with the object intended to be achieved.

(3) The position is, however, different in the case of a new scheme based on a cut-off date, for the date there could be justified on the basis of financial burden, non-availability of old records, feasibility of extending the benefit to all retirees etc.

(4) Cases of pay-revision, gratuity and provident fund, however, stand on a special footing. Here a person who has retired cannot claim the benefit of a pay-revision which comes into effect from a date after his retirement (unless it is retrospective) on the plea of discrimination. Similarly, a person who has retired, and whose rights have crystallised and who has collected his gratuity or provident fund according to the rules in force on his retirement, cannot claim the benefit of any new scheme introduced with reference to a cut-off date falling after his retirement.

15. What then is the position of a Dying-in-Harness Scheme conferring a benefit for the first time on a "second applicant"? By the word "second applicant", we are referring to the second applicant (in a family) who is seeking employment consequent on the rejection of the application of the "first applicant". We shall first deal briefly with the history of the Scheme to the extent necessary. The Scheme is governed by a series of executive orders of the Government of Kerala. The first scheme dates back to G.O. 20/90/PD dated January 21, 1970. The Scheme is intended to benefit relatives/dependents of deceased Government servants. The printed booklet of 1990 published by the Government contains a list of sixty-nine G.Os. from January 21, 1970 upto January 12, 1989. (In fact, there is a latest G.O., i.e., G.O. (P) No.20/92/P & ARD dated April 10, 1992 see 1992 (2) KLT 4 consolidating the G.O.s. and enlarging the benefits in several respects. We are not dealing with it in this judgment). Some of these G.O.s. are issued in revision and consolidation of earlier G.O.s. It is admitted by the writ petitioners' counsel that prior to the issue of G.O. (P) No. 34/87/P & ARD dated December 17, 1987 once the application of a relative/dependent from the family of the deceased government servant was rejected, there was no scope for another relative/dependent in the same family applying for appointment under the Dying-in-Harness scheme. For the first time, such a right was conferred in G.O. (P) No. 34/87/P & ARD dated December 17, 1987 but simultaneously with the creation of the right, it is stated that the concession is so extended to a "second applicant" is only in cases of government servants who have died on or after July 1, 1983. The validity of this date is in question.

16. The right of the relative/dependent to seek employment in service depends on various factors as provided in the G.O.s. issued from time to time. In respect of the "first applicant", the procedure is that other members of the family have to give their consent and such consent, in the case of minors, could be given by their guardians [see G.O.(P) 191/75/10 dated September 13, 1975], This provision is continued in all the successive G.O.s. Clause 11 of the G.O. dated December 17, 1987 states that when the appointment is to be given to a dependent other than the widow/widower, the consent of the widow/widower and

of the dependents of higher priority, should be obtained. The order of priority is given in Clause 16 of the same G.O. The consent of guardian is retained in Clause 16, Note 2. Minors could apply on attaining majority. In G.O. (P) No. 64/86/GAD dated February 28, 1986, Clause 17 while prescribing a one year period for applications, minors are given generally three years from the date of attaining majority. This provision is generally continued in Clause 22 of the G.O. dated December 17, 1987.

17. Income limits have been varying. At one time it was Rs. 4,200/-, then Rs. 6,000/-, then Rs. 9,000/- thereafter Rs. 12,000/- again Rs. 9,000/-, then Rs. 6,000/-, again Rs. 12,000/-, then Rs. 18,000/-. In G.O.424/86/GAD dated October 31, 1986, income ceiling was relaxed totally in cases of deaths on or after July 1, 1983 while in G.O. 28/87/ dated January 5, 1987 while minor dependants of those who died before July 1, 1983 but who became eligible to apply after July 1, 1983, could apply without reference to income limit. In G.O. 34/87 dated december 17, 1987, Clause 15 imposed an income limit of Rs. 9,000/- for those who died on or after January 1, 1982 and Rs. 6000/- for those before January 1, 1982. In cases of those dying after July 1, 1983, there is no income limit. So far as minors are concerned, the Note below Clause 15 says that minors whose parent died before July 1, 1983 but who became eligible on attaining majority on or after July 1, 1983, (were eligible?) without ceiling on income limit.

18. When does the right accrue to a relative/dependant to claim employment assistance? In our view, so far as the "first applicant" is concerned (i.e., the first person who applies), it accrues on the date of death of the Government servant in question. The procedure prescribes that, if the order of priority is not followed, consent of those having higher priority is to be obtained,-- including that of guardian of minors - and the application is to be made within the period specified, subject, of course, to the provision regarding extension of time. In case such an application is made and is rejected by the competent authority as mentioned in the G.O.,-e.g. whether on the ground that the income, on verification, is above the ceiling limit or on the ground of limitation-the right of such "first applicant" to seek employment comes to an end. It does not get revived later, unless a later amendment is expressly retrospective. In the case of a minor, who is a "first applicant", while the right accrues to him on the date of death of the Government servant, the ceiling on income is to be computed, as stated in the Clauses, according to the position on the date of his application. This is the position, broadly, in the case of a "first applicant". This is also clear from Clause 29 of the G.O. (P) 64/86/GAD dated December 28, 1986 (which is the previous consolidated G.O. to the one dated December 17, 1987). It reads:

"Clause 29.--Cases once rejected at Government level on valid grounds including applications, if any, submitted earlier by the other dependants of the same Government employee died in harness, not to be considered under the Scheme."

The Clause is not happily worded but in our view, the word "case" is referable to

the case of the "deceased Government servant" dying in harness. The words "by other dependants" have to be given weight. Clause 29, therefore, means that if an application of any other relative/dependant of higher priority has been rejected, neither he can apply again nor can any other relative/ dependant with a lower priority apply. Counsel for the respondent-writ petitioners could not but accept that such could be the only and proper interpretation of Clause 29 of the immediately preceding G.O. of 1986 issued, consolidating the "guidelines". That is why, it was accepted by counsel for the writ petitioners that before the G.O. 34/87/P& ARD dated December 17, 1987, there was no scope for a "second applicant", i.e., one having lower priority, to apply, upon the rejection of the application of the "first applicant". It is, therefore, clear that for the first time a right has been created by Clause 34 of the G.O. dated December 17, 1987 on the "second applicant" but this is restricted only to cases of Government servants dying in harness on or after July 1, 1983: "This concession shall be made operative with respect of cases of deaths occurred on or after July 1, 1983"

19. Therefore, the right of the "second applicant" being a new right given for the first time in the G.O. dated December 17, 1987, Nakara's case (supra) cannot apply. On the other hand, the ruling which is more in point is the one in All India Reserve Bank of India Retired Officers Association v. Union of India (supra). As pointed out by Ahmadi, J., "different considerations" apply in the case of a new scheme conferring a benefit with respect to a cut-off date. The considerations include: the financial burden, feasibility of extending benefit without cut-off date, non-availability of old records etc. If there are such relevant factors available, Article 14 cannot apply and the cut-off date for such new concession cannot be declared ultra vires of Article 14.

20. What are the considerations in regard to the cut-off date July, 1, 1983 in Clause 34 of the G.O. of December 17, 1987? That is the next question. In the first instance, it must be noted that, while the measure is a social security measure, it should not be allowed to encroach too much upon the fundamental right to seek employment guaranteed by Article 16 of the Constitution of India. Secondly, the scheme, which now permits that the Public Service Commission need not be involved under Article 320 of the Constitution, should be kept within proper bounds. These reasons are stated in the Second counter filed by the Government. In addition, it is stated that the financial burden was a factor. In case minors are second applicants", they would be applying three years after attaining majority and this would be after lapse of several years from the date of death of the Government servant concerned and will involve search into records backwards for several years. That may be factually difficult. In our view, these are all relevant factors. In addition to these, the fact that the new pay revision came into force from July 1, 1983 has also been mentioned, but that is not the sole reason. In our view, the State has furnished ample materials in the two counters, for confining the new concession to "second applicants" to cases where the Government servant died on or after July 1, 1983.

21. For the aforesaid reasons, we are unable to agree with the learned Single Judge that Nakara"s case (supra) is directly applicable. The cut-off dale being valid, the cases of the "second applicants" must fail. The appeals are allowed and the three writ petitions are dismissed. There will be no order as to costs.