

(1997) 10 BOM CK 0029

In the Bombay High Court

Case No : Writ Petition No. 2474, 2724, 2486, 2979, 2882, 2876, 2883, 2978, 2980, 2881, 2483, 2487, 2723, 2888 of 1995 and Writ Petition No. 465 to 472 and 766 of 1996

Municipal Council and another

APPELLANT

Vs

Mrs. Jaiwantabai Meshram and others

RESPONDENT

Date of Decision : 09-10-1997

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 226, 227
Maharashtra Municipal Councils Nagar Panchayats and Industrial Township Act, 1965 — Section 75, 76(1), 76(2)
Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 — Section 28, 30

Citation : (1998) 4 ALLMR 190 : (1999) 1 BomCR 826 : (1999) 81 FLR 756 : (1998) 3 MhLj 765

Hon'ble Judges : F.I. Rebello, J

Bench : Single Bench

Advocate : M.V. Samarth and M.P. Jaiswal, for the Appellant;

Judgement

F.I. Rebello, J.—From these petitions, facts and orders in Writ Petitions No. 2474/95; 2724/95 ; 2486/95; 466/96 and 2975/95 are being considered for disposal of these petitions. Though the petitions of 1995, were not placed for hearing, as there was an order of hearing the petitions together, with the consent of the Advocates, the same are being disposed of. The employer is the same i.e. the petitioner herein. The complaints have been filed by the employees engaged by the petitioner on daily wages. The complaints have been filed u/s 28 read with Items (5), (6) and (9) of Schedule IV of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 (for short, the "Unfair Labour Practices Act"). The complainants before the Industrial Court prayed that the petitioners herein be held to have committed an unfair labour practice and further have prayed that the Industrial Court be pleased to issue directions to desist the petitioner from committing the unfair labour practice and to direct that the employees be made permanent in the post from the date of their

employment with the further direction to pay the difference of wages with all arrears from the date of the effect of permanency and some other directions.

2. In Writ Petition No. 2474 of 1995, what is impugned is the order dated 2nd February, 1995, whereby in a common judgment four complaints have been disposed of. The Industrial Court therein has held that the petitioner was engaged in unfair labour practice and has directed the petitioner to make the services of complainants permanent in the post of Helpers/Labors/class-IV category from the date of complaint i.e. 17-9-1991 and to give all benefits of permanency to them.

In Writ Petition No. 2724 of 1995, the Industrial Court by order dated 22-2-1995, has disposed of eight complaints filed by the complainants therein. The Industrial Court has held that the petitioner is engaged in an unfair labour practice. The Industrial Court has further directed the petitioners to take steps for securing the necessary approval from the Government for creating permanent posts so that the complainants before it could be made permanent in these posts. There is a further direction that as soon as the posts are sanctioned, the respondents to immediately take steps to make the complainants permanent. One complaint being Complaint (ULPA) No. 1053 has been dismissed. It is further directed that the petitioners were to give benefits and privileges of permanent employees from the date of the order. Counsel informs me that no petition has been preferred against the order rejecting Complaint (ULPA) No. 1053 till date.

In Writ Petition No. 2486/95, the order impugned is dated 6th February, 1995, which was passed as common order in eight complaints which were pending before the Industrial Court. By the said order the Industrial Court held that the petitioners are engaged in unfair labour practice in not granting permanency to the complainants. The petitioners herein have been directed to move the Government immediately for obtaining sanction to the post of Fireman so as to enable them to make complainants before it permanent. The petitioners were further directed to pay consolidated pay of Rs. 1200/- per month to the complainants before it from March, 1995 onwards till sanction is accorded by the Government to the post and the complainants before are made permanent.

In Writ Petition No. 466 of 1996, what is challenged is the order dated 13-10-1995, whereby the Industrial Court has disposed of nine complaints before it. The Industrial Court has held that the petitioners were engaged in unfair labour practice under Items (6) and (9) of Schedule IV of the Unfair Labour Practice Act, in not granting permanency to the complainants in the posts that they were holding. The petitioners were directed to take steps securing necessary sanction from the appropriate authority so that the complainants can be conferred with the rights and privileges of the permanent employees. There is a further direction that as soon as the petitioners receive sanction from the appropriate authority to the permanent posts, they shall immediately make the complainants permanent. The petitioners have been directed to give benefits and privileges of permanent employee to the employees when they have completed

two years of service from the date they were first engaged. The complainants before the Industrial Court were engaged on various dates.

In Writ Petition No. 2979 of 95, what is impugned is order dated 2nd August, 1995, which was passed by the Industrial Court in three complaints filed by the complainants therein. By the said order the Industrial Court held that the petitioners had indulged in an unfair labour practice by not extending the benefits and privileges of permanent employees to the complainants. The respondents were directed to extend all benefits and privileges of permanent employees from the date of respective complaints and to make the complainants permanent whenever the vacancy would arise in future and further to represent to the Government for creation of sanctioned posts.

All these petitions have been filed by the petitioners who were respondents in the complaint filed before the Industrial Court.

3. The respondents who were complainants before the Industrial Court, have also filed cross petitions which are numbered as Writ Petitions No. 2883/95, 2723/95, 2778/95, 2882/95, 2724/95 and 2878/95.

4. All these petitions are being disposed of by common order. Suffice it to say that Writ Petitions No. 2474/95; 2724/95; 2975/95, 2486/95 and 466/ 96, the facts set therein are being considered as they would be sufficient to otherwise dispose of the issues which arise in the petitions. These petitions also arise from different orders and as can be seen from the facts narrated above, different directions have been given to the petitioners.

5. The learned Counsel for petitioners contends that the orders of the Industrial Court have given different directions and as such, there is no uniformity in the directions. It is contended that as the issue which arises is the same, there could not be different directions in respect of employees belonging to the same group i.e. daily wage employees. It is further seen from the record that all the workmen involved in the complaints have been appointed after 1980. The complaints are from 1988 onwards. The result of inconsistent orders passed by the Industrial Court, therefore, it is contended, need to be corrected and/or altered to enable the petitioners to act uniformly in the matter. It is pointed out that the order dated 6th February, 1995, which is impugned in Writ Petition No. 2486 of 95, amongst the other orders, has taken into consideration the correct issues and as such, that would be the order that is to be followed. It is further pointed out that the petitioners could not have made the employees permanent as the Council in terms of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965 vide section 76 can create posts only after sanction has been received from the Director of Municipal Administration. It is, therefore, pointed out that in not making the respondents/workmen permanent, the petitioners have not committed an act of unfair labour practice. It is also pointed out that there is no breach of the Award dated 30th July, 1975, made in Reference No. 2 of 1972, by the Industrial Tribunal, Nagpur. The learned Counsel

relies on the judgments of the Apex Court in the case of State of Haryana and others Vs. Piara Singh and others etc. etc., and in the case of Delhi Development Horticulture Employees' Union Vs. Delhi Administration, Delhi and others, . This has been pointed out to show that if the employees have been recruited or appointed without following the terms of employment, as laid down by the authority, the workmen cannot be regularised.

6. On the other hand, on behalf of the workmen, it is contended by the learned Counsel that the petitioners were bound by the Award dated 30th July, 1975. It is contended that in terms of the Award all daily wage employees of the petitioners who have put in two years continuous and satisfactory service, should be considered for being made permanent by the petitioners. It is contended that failure to comply with the terms of Award would attract Item (9) of Schedule IV of the Unfair Labour Practices Act. In support, the learned Counsel has relied upon a judgment of the Division Bench of this Court in the case of Regional Manager, MSRTC & another v. Regional Secretary, M.S. Transport Kamgar Sanghatana, reported in 1994 Lab. I.C. 1721. The Counsel has also relied on the judgment of a Single Judge of this Court in the case of Shankar Sadhuji Khedkar v. MSRTC, reported in 1992(1) C.L.R. 250 for the same proposition. Similar reliance has been placed on another judgment of a Single Judge of this Court in the case of The Chief Officer, Sangli Municipal Council Vs. Shri Daramsing Hiralal Nagarkar, . Apart from the point regarding the effect of a settlement in the said judgment, it is pointed out that the contention of the Council that the workmen could not be regularised as they were not made permanent as they were not recommended by the Selection Board, had been rejected. For the general proposition of the effect of Settlement, the learned Counsel has relied on the judgment of the Apex Court in Life Insurance Corporation of India Vs. D.J. Bahadur and Others, .

Counsel further contends that the contentions of the petitioners that the workmen could not be made permanent relying on the judgment in Piara Singh's case (supra) is of no consequence as that judgment has been considered by a Single Judge of this Court in the case of Divisional Forest Officer, Gadchiroli Vs. Madhukar Ramaji Undirwade and Others, . It is pointed out that from the said judgment that the provisions of the Model Standing Orders as amended in 1977 by Clause 4(c) would be attracted and as such, on the workmen completing 240 days' service, they would be entitled to be regularised. Regarding the submission made by the Counsel for petitioners that if the benefits are given to the workers it would result in financial burden on the employer, it is pointed out from the judgment of the Apex Court in the case of Chief Conservator of Forests & another v. J.M. Khondare 1996(1) C.L.R. 180 that such submission before the Apex Court was rejected by the Apex Court as can be seen from the discussion in para 28 of the said judgment. The Counsel, therefore, submits that the workmen, in fact, are entitled to be made regular in terms of the Award which has been referred to earlier and this would be on their completing two years of service. It is his contention, therefore, that the orders of the Industrial Court to

that extent have to be set aside and relief as prayed for in the complaints that the workmen should be granted benefits from the date they joined service or at least on completion of two years" continuous service.

7. I have heard the Counsel at length as also considered the various judgments which have been cited on the proposition. In the first case, it would be important to consider the provisos of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and more specifically section 76 thereof. We are concerned with section 76(1) and (2) which reads as under :--

"76(1) A Council may, with the sanction of the Director, create such posts of officers and servants other than those specified in sub-sections (1) and (2) of section 75 as it shall deem necessary for efficient execution of its duties under this Act.

(2) Subject to the provisions of sub-section (3), the qualifications, pay, allowances and other conditions of service and the method of recruitment of any such officers and servants, excluding the posts equivalent to class IV posts in the State Government, shall be determined by general or special order made by the Director in this behalf. In case of posts equivalent to Class IV posts in the services of the State Government, the qualifications, pay, allowances and other conditions of service and method of recruitment shall be determined by bye-laws made by the Council in this behalf"

(3)

(4)"

From a reading of the section, it is clear that the posts have to be created if they do not exist with the sanction of the Director. The petitioners by themselves have no power to create posts. All that they can do is, depending upon the nature of work, forward to the Director of Municipal Administration, their recommendations and/or resolutions for the creation of the posts. It is for the Director thereafter to sanction the said posts. In the instant case, admittedly, no posts have been sanctioned though the petitioners have written to the Director for sanction of various posts which, according to them, are required for the purpose of conservancy, maintenance etc. within the jurisdiction of the Council. No rules or bye-laws pertaining to recruitment or conditions of service have also been placed before me. On pointed query to the Counsel for petitioners, it is pointed out that at least at the relevant time when the complainants/workmen were engaged on daily wage basis, there were no rules governing their conditions of service and/or qualifications for the appointment. This becomes relevant for the purposes of examining the various contentions that if the appointments have not been made in terms of the rules, the question of making such workers who have been recruited on daily wages as permanent, would not arise. In the absence of any such rules, the power would vest in the Council and/or delegated in terms of its business rules, to the Officers to make such recruitment. In the instant case, admittedly, all the workmen in the various complaints have been engaged on

daily wages right from the time of appointment and have been working continuously with the petitioner. It is also important to bear in mind and note that the petitioner is a Local Authority. The petitioner cannot discriminate amongst its employees and as such Articles 14 and 16, would be attracted insofar as the petitioner Council is concerned. Once the tribunal or this Court has arrived at a conclusion that the workmen engaged by the petitioners and who had filed complaints before the Industrial Court were doing the same job or similar job and that the job done by the complainants was also done by regular workers in the Establishment, then in that case, merely because they were engaged on daily wage basis, they cannot be denied the benefit of regular pay-scale or pay after they have worked for a long time. The very fact that the complainants-workmen have been continued for a long time by itself would be an indication that the job was not a temporary, but in fact, regular jobs are available. From the fact that the petitioners have themselves written to the Director of Municipal Administration to sanction the posts also will be relevant for the purpose of arriving at a conclusion that there is a need for permanent posts and that is the reason why the petitioners have sought sanction for the said posts. Once there are persons doing the same work, can the petitioner discriminate in the matter of pay-scales and/or pay ? In the case of *Randhir Singh Vs. Union of India (UOI) and Others*, , the Apex Court has laid down the law i.e. Equal Pay for equal work. It is true that in respect of casual employees in the matter of pay scale, the Apex Court has thereafter approached it from a different angle. However, what is relevant for consideration is the fact that in the instant case the workmen could not be made permanent not because no regular posts are available, but because the Director of Municipal Administration has not sanctioned the posts. The workmen, therefore, cannot be denied the benefit to which they are legitimately entitled to on the precious plea that they are daily wage workers. The very fact that they are working continuously and many of them, for about 10 years by itself would suggest that it is a constitutional imperative that they must be entitled to regular pay which the similarly circumstanced employees in the Council are drawing.

8. As noted earlier, the question of making the employees permanent in the absence of posts would not arise. If there is no post available, there is no question of conferring permanency. In the instant case, it is nobody's case that the posts are available. On the contrary, the evidence on record is that the petitioners have written to the Director of Municipal Administration for sanctioning the posts. It is only after the posts are sanctioned and the posts become available that the complainants-workmen could be made permanent against the said posts, Therefore, the question of making them permanent in the absence of sanction against the non-existing posts would not arise.

9. That leads us to main question to be decided in the petition as to what is the date from which the workmen are entitled to the benefit of pay or pay-scales and the other benefits which the employees who are regularly appointed are entitled to. In this context, let me first deal with the contentions raised on behalf of the

workmen as it is the contention of the workmen that they are entitled to be regularised in terms of the Settlement. It is, therefore, important to consider the said statement.

10. The appropriate Government i.e. the State of Maharashtra was pleased to refer a dispute for the adjudication existing between the petitioner and the workmen employed under it with respect to the following two demands :--

"(1) The Council should apply the Bombay Civil Service Rules, to the conservancy employees as made applicable by the Council to all other employees so that the conditions of service regarding annual leave, holiday etc. could be regulated on par with other employees of the Council. The application of Bombay Civil Services Rules, should be given retrospective effect from the date of order.

(2) All the daily rated employees be made permanent with effect from the date of order".

We are not concerned with the first demand, but what would be relevant would be demand No. 2. Demand No. 2 has been discussed at paragraphs 18 and 19 of the Award. At the time, the demand was made, apart from 117 regular sweepers in the Sanitary Department, there were also 26 Safai coolies who were daily rated employees, it was also brought on record that the Council itself had represented to the concerned authority to create the posts, but no sanction had been received. Thereafter in para 19, the Industrial Tribunal observed that most of the Safai coolies are engaged on the work of permanent nature lasting throughout the year and they have to work for all working hours and all working days. Some of the workers had put in a few months and some had put in few days" service. In this context, the Industrial Tribunal observed that there was no valid reason as to why the Safai coolies who had put in sufficient length of service, should not be confirmed. The Tribunal then observed that at the same time, the general demand made by the workers that all the daily rated employees should be made permanent cannot be accepted. The Tribunal then went on to observe that only those daily rated employees who have put in continuous and satisfactory service for 2 years, should be considered for being made permanent. The Tribunal was thereafter pleased to order that all daily rated employees who have put in two years continuous and satisfactory service, should be considered for being made permanent by the first party i.e. the Municipal Council, Bhandara. It is, therefore, clear that the direction to make them permanent was on putting two years continuous service and the service being satisfactory. This does not show and/or indicate that in fact, this was the general demand for all years to come. From the facts as emerge, what is seen is that this was the demand put on behalf of all employees who were then engaged on daily rates to be made permanent. The Tribunal rejected the demand as generally made, but directed that only those employees who have put in two years of continuous service and whose work is satisfactory, should be made permanent. In this context the judgment cited by the learned Counsel in the case of Regional Manager, MSRTC (supra), to my mind, is for the general proposition

that violation of settlement would amount to unfair labour practice within the meaning of Item (9) of Schedule IV of the Unfair Labour Practices Act. In the instant case, the Industrial Court itself has held that by not giving the benefit of permanent employees to the workers, the petitioners have committed an act of unfair labour practice. The question is, whether the settlement, as referred to earlier, could be availed of by the complainants-workmen to contend that they are entitled to regularisation from the date of completing two years from the date of their regular continuous employment. From perusal of the complaints filed in these cases, which in all respects, are more or less the same what the complainants have averred is that the workmen are well qualified to hold the permanent status in employment of the respondent and has rendered honest and diligent service. Reference has been made to the Award which was passed on 30th July, 1975. It is evident that the said Award has not taken into consideration the provisions of section 76 of the Maharashtra Municipal Councils, Nagar Panchayats And Industrial Townships Act, 1965 to grant permanency, which would entail that there are posts which are available. If there are no posts available, question of making the workers permanent would not arise. It has been contended that the Award of the Industrial Tribunal was not challenged and has become final. The mere fact that on an earlier demand, the petitioner had accepted the Award would not mean that on a complaint being filed, it was not entitled to contend that the workmen could not be made permanent on account of non-existing posts. Once that plea was raised, the matter had to be considered by the Industrial Court. All the more, this Court has to consider the effect taking into consideration that what is being sought in support of their cases is the Award of 1975. It is impossible to accept the contention of the learned Counsel for respondents that the workmen are entitled to the benefits of the Award which was passed in the year 1975. Even if the said Award can be said to be continuing as a condition of service ex-facie in the face of section 76 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the question of making the workers permanent would not arise. This contention, therefore, has to be rejected.

11. Once the above contention is rejected, the question is the date on which the employees are to be given the benefit which the permanent employees are entitled to. Section 30 of the Unfair Labour Practices Act, confers powers on the Industrial and Labour Court to direct all such persons to cease and desist from such unfair labour practice, and take such affirmative action (including payment of reasonable compensation to the employee or employees affected by the unfair labour practice, or reinstatement of the employee or employees with or without backwages, or the payment of reasonable compensation), as may in the opinion of the Court be necessary to effectuate the policy of the Act. This is, therefore, at the discretion which is vested in the courts. No doubt, the discretion must be exercised fairly. It must be exercised based on the material before it. Extraneous consideration cannot be used for the purpose of exercising this discretion or for forming the opinion. Once the Tribunal has exercised discretion based on relevant

principles, this Court in the exercise of its writ jurisdiction under Articles 226 and 227 of the Constitution would not interfere with the said exercise unless it is so irrational and/or perverse which no reasonable person could have arrived at. In the instant case, however, I am confronted with the fact that there are five different orders passed on various complaints. The nature of the relief granted in one set of complaints is different from the relief granted on another set of complaints. Under these circumstances, it would not be possible to call on the petitioners/employer to implement the orders of the Industrial Court which has fixed different criteria for workers similarly situated to be given the benefits of pay and regularisation from different dates. To that effect, the orders of the Industrial Court insofar as giving permanency to the employees and the benefits of the pay-scales would have to be set aside in order to enable this Court to pass an appropriate order which would be uniform and treat all the employees alike considering the date of the employment, the date on which the complaint was filed and the category in which they are working. What would, therefore, be relevant criteria to fix the pay of the complainants to give them the pay which the permanent employees are entitled to. The learned Counsel has invited my attention to the judgment of the Apex Court to the context that mere fact that additional financial burden would be occasioned, would be no reason to reject the relief if the workmen would be otherwise entitled to. In the case of Chief Conservator of Forest & another (supra), it was pointed out to the Apex Court that the effect of regularisation in case of employees in the office of the Chief Conservator of Forest, would work upto Rs. 300 crores. The Apex Court rejected the said argument on the ground that what they were considering was not the case of 1.4 lacs of employees, but the cases of employees who were deprived. What is also to be borne in mind that this seems to have been a last desperate attempt on the part of the petitioners before the Apex Court to argue that the workmen were not entitled to be regularised. To be fair to the petitioners herein, throughout they have contended that they have applied for sanction and as there has been no sanction, they could not appoint the petitioners to the post. However, though they did not appoint the workmen to regular posts in the absence of posts, on the plea that if there are no posts available, the workmen are also not entitled to regular pay-scales or pay, they have not granted the said benefit to the workers. Therefore, the case of a Department of State which was not reconciled to regularisation of its employees, cannot be equated on the same footing as the petitioners before this Court who have at no point of time opposed the contention of the complainants that they were not entitled to permanency. Ultimately a Local Body is not on the same footing as the State Government. Local Body is dependent on the grants received from the State Government and the limited revenue it receives by way of taxes and fees. The Local Bodies have been set up to carry out the functions which, in fact, the Government ought to have, but is not in a position to do. In these circumstances, the economic aspects will have to be borne in mind considering the limited resources of the petitioners herein.

12. A large number of authorities have been cited before me in the matter of regularisation and/or non-regularisation. For the view of that is being taken it has been not necessary for me to discuss the various authorities. After the judgment of the Apex Court in the case of Randhirsingh, a public body cannot refuse to give the same benefits to its employees who are doing similar work. In the instant case, though the workmen have been styled to be engaged on daily wage basis nonetheless they have been working continuously without any break. In case of workmen of the same employer, daily/casual workmen were directed to be regularised on completion of two years service in terms of the award. In such a situation, the judgment of the Apex Court in Conservator of Forests (supra) would be applicable. Permanency is writ large in the work the petitioners are doing. On account of a technical requirement of posts not being sanctioned they have not been made regular. However, they are doing work of a regular nature and usually these employees would be entitled to the same pay-scales which the permanent employees are entitled to. Another contention which was canvassed on behalf of the workmen and which has not been adverted to earlier, is the question of the Model Standing Orders. As far back as the judgment of the Apex Court in the case of Corporation of City of Nagpur, it is now laid down that the departments of the municipality which carry on industrial activities would be governed by the provisions of the Industrial Disputes Act. It is the contention on behalf of the complainants that no Standing Orders have been framed and in the absence of Standing Orders, the Model Standing Orders would be applicable to the Establishment and as such according to the respondents, on completion of 240 days, they have to be made regular. As pointed out earlier, the question of confirmation of an employee or making him regular in the post would arise if permanent post was available. In the instant case, no permanent posts are available. The question, therefore, of making the workmen permanent on completion of 240 days would not arise. The said situation would have arisen if the posts had been created and employee had been engaged and had completed 240 days of continuous service. This question would not, therefore, arise in this case.

13. Having considered all the above aspects, in normal cases, the relief monetary or otherwise is three years from the date on which a person approaches the Court based on a cause of action. In the case of continuing wrong like denial of wages, the cause of action may be continuous. If the workman does not approach the Court within the period of limitation, question of granting relief by way of arrears would not arise. In the instant case, the workers have come to the Court in the year 1988. The normal rule in such circumstances would be to extend benefit of the pay-scale without giving arrears for the period barred by limitation. As such, in the instant case, the workmen who would be entitled to pay-scales for three years before filing of the complaints. As pointed out earlier, the issue involves payment to a large number of workmen. The petitioners if called upon to pay benefits as prayed for by the workmen, would be crushed by the financial burden considering the numbers involved. At the same time, the

workers who have worked with the petitioners cannot also be denied benefit on the ground that the petitioner is not able to make good the payment. Consequences may be large scale retrenchment which is not in the interests of the workmen and citizens. Considering these various aspects, it would be appropriate to pass the following order. The order/s of the Industrial Court are set aside to the extent of monetary and other benefits. It is made clear that the finding of the Industrial Court that the petitioners have committed unfair labour practice is not being set aside and that is being affirmed. The following order is passed.

(1) The complainants before the Industrial Court would be entitled to be paid wages in the scale which a regular workman doing the same work is getting, from the date of complaint.

(2) In computing the Pay that the workman would be entitled to, it will be deemed that his pay is fixed three years previous to the date of the complaint is so made and he would be placed in the appropriate pay on the date of the complaint. If he has not completed three years as on the date of complaint, the pay will be fixed as on the date of his complaint.

(3) The complainants would also be entitled to other benefits which the permanent employees are entitled from the date of the complaint.

(4) Insofar as permanency is considered, the petitioners to make permanent the complainants on receiving sanction from the Director of Municipal Administration in terms of section 76 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Rule made absolute in the aforesaid terms. There shall be no orders as to costs.