(2010) 10 P&H CK 0277

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 12820 of 1999

The Jullundur District Co-operative Agricultural Service Societies Employees Union (Regd.)	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:
Constitution of India, 1950 — Article 14, 226
Contract Act, 1872 — Section 23

Citation : (2011) 2 RCR(Civil) 275

Hon'ble Judges : M.M. Kumar, J;A.N. Jindal, J

Bench : Division Bench

Judgement

M.M. Kumar, J.—This order shall dispose of a bunch of 8 petitions 2 because common facts and questions of law are involved therein. However, the facts are being referred from C.W.P. No. 12820 of 1999.

2. The Jullundur District Co-operative Agricultural Service Societies Employees Union (Regd.) [for brevity, ''the Union''] has filed the aforementioned petition under Article 226 of the Constitution challenging the action of the Respondents for restricting the payment of salary to the employees at 75% of the net profit of the Cooperative Agricultural Service Societies (for brevity, ''the Society(s)''. The Petitioner Union has sought quashing of letters dated 22.4.1999, 3.12.1998, 3.6.1999 and 18.5.1999 (P-7 to P-10) on the ground that the service conditions regarding grant of pay-scales and other service benefits of the employees working in the Society(s) in the State of Punjab have been changed in an illegal, arbitrary and mala fide manner, which is contrary to the Punjab State Co-operative Agricultural Service Societies Service Rules, 1997 (for brevity, ''the 1997 Rules''). Further a mandamus has been sought directing the Respondents to allow the employees of the Society(s) to continue to draw the regular pay-scale and other benefits as provided by the Rules.

3. Broadly speaking the Society(s) in the State of Punjab, have employed

primarily the following categories of employees - (a) Secretary; (b) Salesmen/ Cashier; and (c) Peon-cum-Chowkidar. These employees are being paid salaries and other allowances by the respective Society(s) and there is no financial liability on the State exchequer. Their main function is to provide Fertilizers, Pesticides etc. as also to advance loans to the farmers and in turn they get marginal commission/interest. In other words, the commission and interest is the main source of income of these Society(s) out of which the employees are paid salaries.

4. Under Rule 28 of the Punjab State Co-operative Societies Rules, 1963 (for brevity, ''the 1963 Rules''), the Registrar, Co-operative Societies, Punjab-Respondent No. 2 has been empowered to frame Rules regarding qualifications and conditions of service of the employees of the Society(s). In exercise of the said power, Respondent No. 2 initially framed the Rules, known as ''the Punjab State Co-operative Agricultural Service Society Service Rules, 1979 (for brevity, ''the 1979 Rules''), which were notified on 29.5.1979. Rule 3 and 5 of the 1979 Rules deals with the strength of service and scales of pay.

5. On 17.11.1986, the Registrar-Respondent No. 2 notified the Rules, known as ''the Punjab State Co-operative Agricultural Service Societies Service Rules, 1986 (for brevity, ''the 1986 Rules''), which came into force w.e.f. 18.11.1986. Rule 7 of the 1986 Rules prescribed the pattern of staffing, emoluments and incentives in the Society(s). Annexure A to Rule 7 of the 1986 Rules further prescribes the scales of pay.

6. The Registrar-Respondent No. 2 constituted a Committee under the chairmanship of Additional Registrar (Credit), Co-operative Societies, Punjab, to review the Service Rules of the employees of the Society(s). On the basis of the report submitted by the said Committee and in exercise of the power under Rule 28 of the 1963 Rules, the Service Rules of the employees of the Society(s) were reframed by the Registrar-Respondent No. 2 and the 1986 Rules were repealed by the 1997 Rules w.e.f. 9.10.1997. As per Rule 7 of the 1997 Rules, which deals with the pattern of staffing, emoluments and incentives, members of the service are required to be paid dearness allowance and all other allowances on the pattern of the State Government. Rule 7 along with Annexure A of the 1997 Rules reads thus:

7. Pattern of Staffing. Emoluments. and Incentives:

i) The categories of the societies on functional basis, staff strength approved for them and scales of pay of each category of the employees shall be as per Annexure "A" to this rule;

ii) The members of the service shall be paid dearness allowance and other allowances on the pattern of the State Government;

iii) The total expenditure on staff should ordinarily not exceed 60% of the annual gross income of the Society; The emoluments already being drawn by an employee by way of pay and dearness allowances over and above the scale fixed under these rules shall be protected for the purpose of fixation of pay and any amount drawn over and above the grade shall be treated as personal pay which shall be set off in future increments.

Annexure "A" to Rule 7 of the 1997 Rules: Sr. Category of Societies Scale of No. Staff Strength pay A) Societies having an average Secretary/ 1 1200-30- loan outstanding against Manager. 1560-40- members of 40.00 lakhs and 1800 above or having average loan outstanding against members Salesman/ 2 950-25- and deposit collectively to the Cashier 1200/30- tune of Rs. 80.00 lakhs and 1500 having annual gross income of Rs. 2.00 lakhs. Peon-cum- 750-20/ Chowkidar. 950-25/ 1200- 30/1350 B) Societies having an average Secretary 1 950-25- loan outstanding above Rs. 1200/30- 25.00 lakhs or having average 1500 loan outstanding against members and deposit Salesman 1 950-20- collectively to the tune of Rs. 1200/25- 50.00 lakhs and having annual 1350 gross income of Rs. 1.50 lakhs. Peon-cum- 750-20/ Chowkidar 1 950-25/ 1200- 30/1350 C) Societies having an average Secretary 1 950-25- loan outstanding upto Rs. 1200-30- 25.00 lakhs or having average 1500 loan outstanding against members and deposit Peon-cum- 750-20/ collectively to the tune of Rs. Chowkidar 1 950-25- 50.00 lakhs and having annual 1200- gross income of Rs. 1.00 30/1350 lakhs

Note to the annexure:

1) The base year for determining the staff strength and the payment of the dearness allowance shall be preceding cooperative year;

2) The short term Agricultural loans converted into Medium Term Agri. Loans due to natural calamities in the Cooperative year shall not be included in annual average loans out-standing;

3) Master scale as applicable in the case of Government employees will be applicable to the above mentioned employees henceforth.

7. A perusal of Rule 7 of the 1997 Rules would show that DA and all other allowances are required to be paid on the pattern of the State Government. It is also clarified that total expenditure should not ordinarily exceeds 60% of the annual gross income of the Society. The emoluments being drawn by an employee by way of pay and Dearness Allowance over and above the pay scales fixed under the Rules are protected. Master scale which is applicable to the Punjab Government employees was to apply to them.

8. On the basis of the recommendations of the 4th Pay Commission, on 16.1.1998 the State of Punjab notified the Rules known as ''the Punjab Civil Services (Revised Pay) Rules, 1998'', which came into force w.e.f. 1.1.1996. By the said Rules the pay scales of the Punjab Government employees were revised w.e.f. 1.1.1996. On 21.5.1998, the pay scales mentioned in Annexure ''A'' to Rule 7 of the 1997 Rules were also substituted by the revised scales of pay by

the Registrar-Respondent No. 2. However, the said revision was made applicable w.e.f. 1.4.1998 instead of 1.1.1996 and no arrears regarding fixation of pay were to be paid prior to 1.4.1998 to the members of the Service (P-3).

9. On 3.12.1998 (P-8), the Registrar-Respondent No. 2 issued instructions regarding distribution of pay upto 7th of each month to the employees working in the Society(s). The said instructions read as under:

On the subject cited above, the instructions are issued that the pay of the employees working in Co-operative Agricultural Service Societies be paid regularly and in this regard a separate saving bank account be maintained and 75% commission of the society should be deposited and the salary should be paid to the employees by 7th of each month. The salary should be given from this account on half yearly basis and in case the balance is not sufficient in that account to meet the salary, the amount should be arranged from the bank and the account be reconciled with the bank within six months after the proceeds of six monthly crops start coming. In case this is not possible and the Society is running in losses, the salaries of employees of such societies should not be given above 10 months. After adjusting the expenditure of the society, the salary should be distributed from the 75% of the net profit of the society (the salary of the employees should not exceed 75% of the net profit of the Society).

These instructions be complied accordingly.

10. From a bare perusal of the said instructions it is clearly spelled out that the total salary of the employees working in the Society(s) in the State of Punjab were not to exceed 75% of the net profit of the Society(s) and the salaries were to be paid on half yearly basis. In case the Society is running in losses, the employees were not to be paid salaries exceeding 10 months. This is contrary to the service rules of 1997 where it is laid down that 60% of annual gross profit may be spent on salary.

11. On 17.12.1998, the Registrar-Respondent No. 2 after consideration of the matter regarding re-viability of distribution system of essential commodities in the Society(s), passed an order for obtaining options of the Salesmen working in the Society(s) in the State of Punjab as to whether they are willing to work on Commission/retainership basis and in case they are not interested to work under the new scheme, the concerned Society was competent to take appropriate action against them (P-4). In furtherance to the order dated 17.12.1998, another letter dated 25.1.1999 was issued by the Assistant Registrar, Co-operative Societies, Ludhiana, inter alia, directing all the Secretaries of the Society(s) in the Region that the services of those Salesmen who were un-willing to work on Commission/retainership basis be dispensed with (P-5). On 22.4.1999, the Registrar-Respondent No. 2 issued yet another letter to all the Assistant Registrars, Co-operative Societies in the field stating therein that the Salesman be appointed on Commission/retainership basis and in case they are not interested to work, the Society would be at liberty to take appropriate steps

against them (P-7). Letters dated 17.12.1998 and 25.1.1999 (P-4 and P-5) were challenged by way filing C.W.P. No. 3201 of 1999 in this Court. In the said petition, the Registrar-Respondent No. 2 filed a written statement stating that the letter dated 25.1.1999 has been withdrawn on 4.5.1999. Accordingly, the said writ petition was disposed of as having been rendered infructuous.

12. On 18.5.1999 (P-10), the Registrar-Respondent No. 2 formulated an Incentive Scheme-1999 for the employees of the Society(s). In this regard, rules known as ''the Punjab Co-operative Service Societies Employees Incentive Rules, 1999'' were framed under the 1997 Rules. As per Rule 4(v) of the Incentive Rules, only those Society(s) who were in profit without any accumulated losses were eligible for the Incentive Scheme-1999. It has been further provided in the said rule that the overall expenditure including incentive pay and other charges would not increase beyond 75% of the net profit.

13. On 3.6.1999 (P-9), the Registrar-Respondent No. 2 issued another letter amending Rule 19(b) of the 1997 Rules, which reads thus:

In the Rule 19(b) of the Punjab State Co-operative Agricultural Service Societies Service Rules, 1997, the following amendment is being made:

19(b) An employee shall be entitled to death-cum- retirement gratuity on account of death while in the service of the Society or on retirement as admissible to Govt. employees subject to the Rider that all the benefits extended to the employees including Gratuity may not exceed 75% of profit of the Society.

Note: Deleted.

This issues with the concurrence of RCS.

14. It is claimed by the Petitioner Union that the aforementioned amendment is illegal, arbitrary and mala fide because if a particular employee who has retired after rendering more than 25 years of service and in the year of retirement if there is no profit earned by the concerned Society then such an employee would not get any gratuity etc. even though in the long service tenure he might have worked hard and the Society might have earned good profit. On the contrary there is possibility that in the case of another employee who retired from service in the subsequent year when the society earns more profit then such an employee would get gratuity and all other benefits though he may be having smaller period of service than the employee who retired in the earlier year in which there was no profit in the Society.

15. In pursuance of letter dated 3.12.1998 (P-8), the Assistant Registrar, Co-operative Societies, Nakodar, issued a letter dated 7.7.1999 to the President and all Committee Members of Sahree Co-operative Agricultural Service Society Limited, Sarhee, directing them to effect recovery on account of paying excess salary to the employees over and above 75% net profit of the Society. They were also impressed upon for placing the Salesmen (Essential Commodities) on commission/retainership basis otherwise action u/s 22(1) of the Punjab Co-

operative Societies Act, 1961 (for brevity, ''the Act''), was to be taken against them (P-11). It is alleged that similar letters were also issued by the respective Assistant Registrars to various Societies.

16. In the backdrop of the above factual matrix the instant petition as well as other connected petitions have been filed alleging that the action of the Registrar, Co-operative Societies, Punjab-Respondent No. 2 amounts to change of service conditions of the employees working in various Society(s) in the State of Punjab, without actually amending the statutory 1997 Rules which governs their conditions of service.

17. In the written statement filed on behalf of the Respondents, at the outset a preliminary objection has been raised that the Petitioner Union has not exhausted the remedy of revision provided u/s 69 of the Act, therefore, the writ petition is not maintainable. Justifying the impugned letters issued by the Registrar-Respondent No. 2 it has been asserted that under Rule 28 of the 1963 Rules, the Registrar of Cooperative Societies Punjab is empowered to frame rules regarding the conditions of service of the employees of the Society(s). According to the Respondents, the Registrar is also competent to amend the rules subsequently by various circulars/letters based on the wholesome principle that the diligent and hard working staff is not exploited and suitably rewarded for the services rendered, whereas the unscrupulous and lazy staff is curbed. If a society is continuously suffering losses, it cannot run for a long time and allowing it to run for a long time would also not be profitable and possible. It has been submitted that the 1997 Rules initially provided that the total expenditure on staff should ordinarily not exceed 60% of the annual gross income of the Society. However, the said rule was amended by the Registrar-Respondent No. 2 vide circular No. Credit/CA-5/368, dated 7.5.1998 and the cap of 60% in respect of the expenditure on the staff of the Society(s) was raised to 75% of the annual income of the Society(s) (R-1). It has also been pointed out that the amendment in the service rules in respect of gratuity etc., issued vide letter dated 3.6.1999 (P-9), has been made on a representation of the Union of the Employees of the Society(s) in the State of Punjab. The Petitioners are members of the said Employees Union, thus, they cannot object to the demand made by the Union. In para 23 of the reply on merit, it has been stated that the service conditions of the employees of the Society(s) in the State of Punjab are not governed by any statutory rules but are governed by the rules framed by the Registrar-Respondent No. 2 under Rule 28 of the 1963 Rules. These rules are in the nature of executive instructions issued by the Registrar and it is within his competence to modify/amend the service rules of the employees. Therefore, nothing wrong has been committed by him.

18. We have heard learned Counsel at a considerable length and have perused the record with their assistance.

19. On the basis of the pleadings, arguments and record we find that the following questions of law would arise for determination of this Court:

1. Whether the impugned letters reducing the pay scales or co-relating the pay of the employees to the profit of the Society as against fix salary in accordance with the pay scale stipulated in the rules is permissible by issuance of letters by the Registrar?

2. Whether the action of the Registrar is punitive in nature and, therefore, impermissible in law?

3. Whether converting the tenure of service of a Salesman retiring him at the age of 60 in accordance with Rule 19 of the 1997 Rules to that of unsalaried employee by paying commission on the sale transaction effected by him is permissible?

Re: Question Nos. 1 and 2

20. We have already noticed in the preceding paras Rule 7 of the 1997 Rules and Annexure ''A'' appended to that Rule. The posts of Secretary/Manager, Salesman/ Cashier and Peon-cum-Chowkidar have been shown to carry specified scales of pay. On the enforcement of the Revised Pay Rules in the year 1998 w.e.f. 1.1.1996, the aforesaid pay scales were also revised although no arrears after fixation of pay were to be paid in respect of the period prior to 1.4.1998. However, the Registrar-Respondent No. 2 issued a series of letters containing the instructions by linking the pay of the employees of the Society(s) to the profit earned by them. For example, on 3.12.1998 the Registrar addressed a letter to the Joint Registrars, Deputy Registrars and Assistant Registrars of all the Co-operative Societies (P-8). The contents of the aforesaid letter in extenso have already been noticed in para 8 above and a perusal of the same shows that employees of every Society are required to be paid their salary by 7th of each month. However, in case the Society is running in losses then the employees are to be paid salary not over and above ten months and the salary is to be distributed to the extent of 75% of the net profit earned by the Society. Obviously, it has resulted in reduction of the salary which is linked with the scale of pay as determined by the expert body like the Pay Commission, which analyse various factors before recommending the revision. The analysis of the Pay Commission is ordinarily based on consumer price index. The consumer price index is an estimation of percentage of increase in the prices so as to correlate the value of money depreciated in terms of currency. The prices have hardly ever come down but have always registered a rising trend. Therefore, reduction of pay in such a fashion by the Registrar-Respondent No. 2 is not healthy.

21. The Registrar-Respondent No. 2 also addressed a letter dated 3.6.1999 (P-9). It seeks to amend Rule 19(b) of the 1997 Rules, which has already been noticed in preceding para 11. It may be true that the Registrar has been delegated power to frame qualifications and conditions of service of employees of the Society(s). In fact, Section 85 of the Act vests the State Government with the power to make rules to carry out the purposes of the Act. The relevant provision of Section 85 of the Act reads thus:

85. Rules. (1) The Government may, for any co-operative society or class of such societies, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(i) to (xxxvii) xxx xxx xxx

(xxxviii) qualifications for members of the committee and employee of a society or class of societies and the conditions of service subject to which persons may be employed by societies;

22. In pursuance of the aforesaid power the State Government has framed the 1963 Rules. Rule 28 of the 1963 Rules stipulates the qualifications and conditions of service of employees. The aforesaid letters assume to have been written in pursuance of power vested with the Registrar by Rule 28 of the 1963 Rules. Rule 28 of the 1963 Rules reads as under:

28. Qualifications and conditions of service of employees. [Section 85(xxxviii)] - (1) The qualifications and conditions of service subject to which any person may be employed by a cooperative society or a class of co-operative societies shall be such as may be determined by the Registrar from time to time.

(2) Where the Registrar is of the opinion that it is necessary or expedient so to do, he may by order, for reasons to be recorded in writing relax the provisions of this rule with respect to any co-operative society or class of co-operative societies to such extent as he may consider proper.

23. A perusal of the aforesaid Rule shows that qualifications and conditions of service of an employee of the Society are as may be determined by the Registrar. The conditions of service have been determined by the 1997 Rules and for various categories of employees working in the Society(s), posts of Secretary/ Manager, Salesman/Cashier, Peon-cum-Chowkidar etc. have been shown to carry a specific pay scale. As against the aforesaid statutory Rules, the Registrar has started exercising power by issuing letters. It is highly doubtful whether by executive instructions of this nature any statutory rule could be altered. According to the stand taken by the Respondents in the written statement, letters are in the nature of executive instructions. It is well settled that executive instructions cannot alter the rules or could be contrary to such rules. It is well settled that statutory rules cannot be supplanted by executive instructions and run contrary to the rules. In that regard reliance may be placed on the judgment of Hon''ble the Supreme Court rendered in the case of State of Maharashtra v. Jagannath Achyut Karandikar AIR 1989 SC 1133. Therefore, the letters dated 3.12.1998 and 3.6.1999 (P-8 and P-9) are not sustainable.

24. Even if it is presumed that letter dated 3.6.1999 (P-9) amounts to exercising the power of amendment and Rule 19(b) of the 1997 Rules has been amended, still it would not be sustainable because no rule could be framed or executive instructions be issued reducing the pay of an employee particularly when under

the 1997 Rules it is considered as penal action. Rule 14 of the 1997 Rules postulate infliction of minor and major punishments. Under both the heads, reduction in emoluments, stoppage of increments and recovery of pecuniary loss are some of the punishments. Therefore, any instruction issued or rule made to the detriment of employees and against their interests causing loss of salary would be considered arbitrary and such a action can be taken only as a measure of punishment. The punishment of minor nature can be inflicted under Rule 14(2), however, a major punishment can be inflicted in accordance with the procedure established by Rule 14(3) of the 1997 Rules. Therefore, on that score also, the amendment is not permissible in law.

25. Another reason which weigh in favour of the Petitioners is that they might be governed by the statutory rules but no onerous condition could be imposed upon them by framing any rule, which would reduce their salary. A contract of employment soon assumes the character of status where terms and conditions of service could be unilaterally changed by the amendment of the rules. But still it would be impermissible for a Public Company or a Society to proceed in a manner so as to violate Article 14 of the Constitution, which require that all Public Companies, Societies and Corporations are expected to act fairly. In Central Inland Water Transport Corporation Limited and Another Vs. Brojo Nath Ganguly and Another, , it has been observed that terminating the service of a permanent employee without giving any reason and by giving three months notice is opposed to public policy and such a rule was held to be ultra vires of Article 14 of the Constitution. The argument that there was a contract between the employee of the Public Corporation with the Corporation has been repelled by holding that in standard form contract, the weaker party has no real freedom of contract because in every organisation weaker party has to face the same consequence of signing on the dotted line virtually leaving the weaker party no option [P.S. Atiayh, ''Rise and Fall of Freedom of Contract'']. Such a freedom to contract has been regarded as freedom of a lamb before a lion in jungle. Therefore, we are of the view that incorporation of Rule 19(b), restricting the payment of salary to the employees of the Society(s) to 75% of net profit is absolutely without any justification and cannot be sustained in the eyes of law. Accordingly, such an amendment cannot meet the approval of Article 14 of the Constitution. On that score also, the amendment is liable to be set aside.

Re: Question No. 3

26. This question has arisen on account of the fact that vide letter dated 7.7.1999, the Registrar-Respondent No. 2 has placed the Salesman (Essential Commodities) on commission/retainership basis. The provision in that regard has been made which is based on restricting the salary to the net profits amounting to 75% and then placing the post of Salesman on commission/retainership basis. The letter deserves to be read in extenso, which is as under:

According to letter No. Credit/CA-5/51413-966 dated 3.12.1998 issued by the Registrar, Co-operative Societies, Punjab, Chandigarh, the employees of

Agricultural Service Societies cannot be given salary exceeding 75 per cent of the net profit of the Society. Whereas your Society, had during the year 1998-99 has 0.16 and 2.23 has been paid as salary to the employees, which is more than 75 per cent of the net profit. Therefore, the salary which has been paid more than 75 per cent of the net profit, be recovered.

Apart from the above, the Salesman (Essential Commodities), in accordance with the circular No. Inspector/Distribution/3-51/98-99/265 dated 22.4.1999 and in view of the instructions issued earlier, it has been asked by the Registrar, Co-operative Societies, Punjab for placing the Salesmen (Essential Commodities) on commissioner/retainership basis. Regarding this, you have also been informed on block level through Inspector Incharge of the Society but no action has been taken by you, as yet. Therefore, now again you are directed that the Salesman be immediately placed on commission basis and the employees of the Society who have been paid the salary more than 75 per cent of the net profit, recovery be affected and this office be informed of the action taken in this regard, within a period of fifteen days.

In case it has not been done and the instructions issued by the Registrar, Co-operative Societies are not being followed, then action u/s 22(1) of the Punjab Cooperative Societies Act, 1961 will be taken against the Managing Committee of the Society.

27. As is evident from the perusal of Rule 7 and Appendix A of the 1997 Rules, the post of Salesmen is a cadre post with specific pay scale. A number of Salesmen have already served the Society(s) for long period. According to letter dated 7.7.1999 (P-11), the Salesmen are being asked to opt for retainership or work on commission basis irrespective of the fact that such Salesmen are permanent employees or their nature of employment is ad hoc, probationer or part timer. In case of permanent Salesmen such an action cannot be taken because in the case of Central Inland Water Transport Corporation Ltd. (supra) when a permanent employee was asked to leave on the basis of a rule requiring the employer to give three months notice then Hon''ble the Supreme Court has declared such a rule illegal on the ground that a condition of such nature would be void as it is patently against the public policy envisaged by Section 23 of the Contract Act, 1872 and it was dubbed as arbitrary being violative of Article 14 of the Constitution. Likewise, in the present case converting the post of a Salesmen into an engagement on the basis of commission or retainership would result into arbitrariness and against public policy because the post of Salesmen is a cadre post with specified scale of pay, as is evident from the perusal of Appendix A read with Rule 7 of the 1997 Rules. Moreover, those who are permanent Salesmen they would be deprived of salary on the basis of regular pay scale and even their pension and other pensionary benefits might be adversely affected.

28. As a sequel to the aforesaid discussion, the impugned letters dated 22.4.1999, 3.12.1998, 3.6.1999 and 18.5.1999 (P-7 to P-10), instructions or even the amendment are hereby quashed. The Respondents are directed to pay

the Petitioners salary in accordance with the post held by them. Those who have retired, they should be paid their dues in accordance with the rules applicable to them by giving them the benefit of refixation of their pay in accordance with the prevalent rules. The needful shall be done within a period of three months from the date of receipt of a copy of this order.

29. The writ petitions stand disposed of in the above manner. A copy of this order be placed on the files of connected petitions.

