

SIRIMAL AND OTHERS
v
BOARD OF DIRECTORS OF THE CO-OPERATIVE
WHOLESALE ESTABLISHMENT AND OTHERS

SUPREME COURT
S.N.SILVA, CJ.
ISMAIL, J. AND
WEERASURIYA, J.
SC (FR) NO. 445/2002
18TH FEBRUARY, 14TH MARCH
2ND APRIL, 21ST MAY, AND 10TH AND 30TH JUNE, 2003

Fundamental Rights – Extension of services beyond 55 years – Retirement at 55-Previous condition for allowing extensions up to 60 years – Legitimate expectation – Lack of notice of change of policy and opportunity of making representations – Whether alternative remedy precludes the remedy of seeking relief for violation of fundamental rights – Constitution, Articles 12(1) and 126(1).

The petitioners complained that the 1st respondent (“The CWE”) did in violation of their rights under Article 12(1) of the Constitution stopped extension of their services beyond 55 years and purported to retire them from 31.7.2002, by circular dated 21.6.2002(P6). The previous circular dated 14.11.1995(P5) provided for granting of annual extension from 55 until 60 as in the case of the public sector under Chapter V section 5 of the Establishments Code. The reasons given for the new policy decision were:

- (a) Redundant labour force
- (b) Heavy losses; and
- (c) Reorganization of the CWE to make it a profit making organization

The applications of all petitioners except Nos. 19 and 20 were recommended by the Service Extension Committee; and no application was sent to the Ministry for decision. The previous practice was to grant annual extension up to 60 years except where medical or disciplinary grounds existed.

Held :

1. The optional age of retirement in the CWE had been 55 years of age with a right to seek extension up to 60 years of age as in the public sector. The impugned circular seeks to make retirement compulsory at 55 years.

2. The petitioner had a legitimate expectation of receiving extension up to 60 years except where medical or disciplinary grounds were present.
3. Where it is sought to change conditions of service denying the right of extension, the employees should be given a reasonable time and an opportunity of showing cause against change. The court may decide whether the change of conditions of service on policy was lawful. Where the decision is perverse or irrational, the court will intervene.
4. The failure by the CWE to send up to the Ministry the petitioners' applications, the refusal to duly entertain the applications and the compulsory retirement of petitioners affected their livelihood.
5. There was no evidence or analytical reports to rationally establish the grounds urged for premature retirement. On the contrary there was evidence of retirement of additional employees, including a Market Manager, of a person over 55 years at a monthly salary Rs.80,000/-.
6. The decision of the CWE to change the age of retirement is not warranted upon consideration of public interest or principles of fairness.
7. The petitioners are entitled to seek relief for violation of fundamental rights within the exclusive jurisdiction of the Court under Article 126(1) of the Constitution, even if there were other available reliefs e.g., those under the Industrial Disputes Act.

Cases referred to :

1. *R. v Secretary of State for the Home Department exp. Khan* (1985) 1 ALL E R 40
2. *Council of Civil Service Unions v Minister for the Civil Service* (1984)3 ALL E R 935
3. *R v Minister of Agriculture, Fisheries and Food exp. Hamble (Offshore) Fisheries Ltd* (1995) 2 ALL E R 714, 731
4. *R v Secretary of State for the Home Department exp. Hargreaves* (1997) 1 ALL E R 397
5. *Associated Provincial Picture Houses Ltd. v Wednesbury Corporation* (1947) ALL E R 680

APPLICATION for relief for infringement of fundamental rights.

Chamantha Weerakoon Unamboowa with Ayanthi Abeywickrama and M. Kurera for petitioners.

Romesh de Silva, P.C. with Palitha Kumarasinghe for 1st to 3rd respondents

August 08, 2003

WEERASURIYA, J.

The petitioners who are employees of Co-operative Wholesale Establishment ("C.W.E.") complain that the decision of the Board of Directors of C.W.E. ("1st respondent board") not to grant extension of service and to retire them with effect from 31.07.2002 is *mala fide*, arbitrary and discriminatory and violates their fundamental rights guaranteed under Article 12(1) of the Constitution.

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The petitioners claim relief on the following basis : that the employees of C.W.E. are governed by provisions of the Establishments Code and optional age of retirement is 55 years; that Circular No.1-1/07 dated 14.11.1995 (P5) laid down that generally requests for extension of service beyond 55 years will be granted except on medical or disciplinary grounds; that the practice has been to grant extension of service for one year at a time upto the age of 60 years unless they are medically unfit or refused on disciplinary grounds; that the petitioners possess a good service record and are medically fit and therefore they had a legitimate expectation of continuity of employment upto the age of 60 years.

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The 1st respondent Board contends that terms and conditions of employment of the petitioners do not entitle them to be employed after 55 years of age; that employees of C.W.E. are not governed by provisions of the Establishments Code, though its provisions are made use of as a guide in dealing with disciplinary matters; that C.W.E. is overstaffed and heavily in debt to the Banks amounting to Rs.5000/= Million with an accumulated loss of Rs.4000/= Million and presently running at a loss without any funding from the Treasury; and that the decision not to grant extensions of service to the petitioners was a policy decision taken after much consideration of the above matters in the best interest of C.W.E. which is reasonable and apply to all without discrimination.

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Age of Retirement

It is common ground that prior to the Circular No.27/2002 dated 21.06.2002 (P6) Circular in operation was Circular No. 1-1/07 dated 14.11.1995 (P5). This Circular as is evident from

the caption deals with policy of the Ministry regarding requests for extension of service of employees serving in institutions under its purview. It would be significant to note that this Circular is addressed to all Heads of Departments/Institutions and reference is invited to Circular dated 29.09.1995 of even number in respect of procedure in making recommendations for extensions of service. It thereafter draws attention to Chapter V section 5 of the Establishments Code which deals with extension of service of employees who are over 55 years.

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The letters of appointment of the petitioners have been produced marked 1R3(A) – 1R3(S). These letters of appointment contain terms and conditions of employment of the petitioners. However, it is noteworthy that these letters of appointment do not contain any provision in respect of the age of retirement of employees. Therefore, to ascertain the age of retirement, it is necessary to examine the Circulars and Regulations formulated by the Ministry. Even the Circular bearing No. 1-1/07/ව.ෙඳ. dated 14.11.1995 (P5) does not stipulate the age of retirement. This Circular while making provision for employees to seek extension of service beyond 55 years of age merely draws attention to Chapter V section 5 of the Establishments Code. It is to be highlighted that the 1st respondent Board has conceded that in dealing with disciplinary matters, C.W.E. has recourse to provisions of the Establishments Code for guidance. Thus the 1st respondent concedes the part application of provisions of the Establishments Code in respect of its employees. The 1st respondent Board having denied the applicability of the provisions of the Establishments Code in respect of its employees claimed that the age of retirement of employees is 55 years. However, it failed to produce a single Circular or any Regulation formulated by the Ministry or, a decision of the 1st respondent Board which governs the age of retirement of its employees. In the circumstances, I hold that optional age of retirement of employees of C.W.E. has been 55 years of age with a right to seek extensions upto 60 years of age which accords with section 5 of Chapter V of the Establishments Code applicable to all employees of the public sector. It is to be noted that the impugned Circular seeks to make retirement compulsory at 55 years.

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Genesis of Legitimate Expectation

The claim of the petitioners that they had a legitimate expectation of continuity of employment upto 60 years was founded on three grounds.

(a) The Circular bearing No.1-1/07 ඩ.සේ. dated 14.11.1995 (P5) states clearly that :

“Generally a request for an extension of service is granted except on disciplinary and medical grounds”. This Circular sets out a uniform procedure for employees who are over 55 years of age to seek extension of service. It is significant that this Circular while inviting reference to the Circular of even number dated 25.09.1995, draws attention of all Heads of Departments/Institutions under the Ministry to section V of Chapter 5 of the Establishments Code which deals with the extension of service of employees over 55 years of age in the public sector. Section 5:2 of Chapter V of the Establishments Code states that no officer should be continued in service after he reaches the age of 55 years except as provided for in Sections 5:3 and 5:4. Thus optional age of retirement in the public sector is 55 years with a discretion to extend the services upto the age of 60 years.

(b) Excepting 19th and 20th petitioners who were granted extensions earlier, the other petitioners consequent upon their applications for extension, received letters marked P2(A) - P2(M), informing them that their applications for extension had been recommended by the Service Extension Committee and that they are permitted to continue in employment pending approval by the Ministry of Commerce and Consumer Affairs which was taken as a mere formality in the previous years.

(c) The previous practice of C.W.E. has been to grant extensions of service to its employees beyond 55 years to continue in service upto the age of 60 years except on disciplinary or medical grounds. It is necessary to state that Circular No.1-1/07/ ඩ.සේ. (P5) confirms the existence of this practice and merely stipulates the procedure that is to be followed.

The 1st respondent Board has conceded that in the past, the Minister has granted extensions of service to employees beyond 55 years of age.

Legitimate expectations can arise in situations where a public body has set out criteria for application of policy in a certain area and where an applicant has relied on this criteria and the public body seeks to apply a different criteria. (*R. v. Secretary of State for the Home Department exp. Khan*⁽¹⁾) 110

A previous pattern of conduct too can give rise to a legitimate expectation (*Council of Civil Service Unions v. Minister for the Civil Service*⁽²⁾)

Substantive Legitimate Expectation

The frontiers of legitimate expectation in Administrative Law have been greatly expanded in recent years to admit of a substantive content. Therefore, the expectation that the law may be called upon to protect can be divided broadly into two groups: procedural expectations, where procedural justice of one form or another is expected and substantive expectations where a favourable decision of one kind or another is expected. The distinction between procedure and substance is of considerable practical significance. This would be evident by an examination of the facts of the instant case. The expectations of the petitioners to continue in employment upto the age of 60 years were frustrated by a decision of the 1st respondent Board which was described as a policy decision. If the legitimate expectations are protected only procedurally, the most employees could hope for, would be an order requiring consultation before a change of policy is effected. If however, the legitimate expectations are substantive the position is different, in that it is open to a Court to require the public authority to confer upon the person the substantive benefit which he is expected to receive under the earlier policy. 120 130

This doctrine seems to be somewhat controversial since it appears to fetter the freedom of action of the public authority. However, it is equally necessary to give relief to people who have been betrayed by officials after making solemn assurances on which they have placed their trust. There is no inherent conflict between legitimate expectation and the rule against fettering discretion because the discretion is only fettered to the extent that the public interest does not require otherwise. 140

Protection of Legitimate Expectation

There is no controversy that substantive expectations may be procedurally protected and that procedural protection of substantive expectations provides some protection to the trust that is placed to the authority's assurance while not fettering its discretion.

In *R. v. Ministry of Agriculture, Fisheries and Food exp. Hamble (Offshore) Fisheries Ltd.*⁽³⁾ Sedley J. developed a particular approach to the protection of substantive expectations. He states legitimacy of expectations "... is a function of expectations induced by government and of policy considerations which militate against their fulfilment. The balance must, in the first instance, be for the policy maker to strike; but if the outcome is challenged by way of judicial review, I do not consider that the Court's criterion is the bare rationality of the policy maker's conclusion. While policy is for the policy maker alone, the fairness of his or her decision not to accommodate reasonable expectations which the policy will thwart remains the Court's concern (as of course the lawfulness of the policy)". 160

However, this approach was overruled and described as 'heresy' by Hirst L.J. in *R. v. Secretary of State for the Home Department exp. Hargreaves*⁽⁴⁾. The reason for the Court of Appeal's antipathy was that this amounts to an intrusion into the substance of the decision and it was wrong in principle for the Court to involve itself in such matters given that the Minister was responsible to Parliament. He said at page 412 "on matters of substance (as contrasted with procedure) *Wednesbury* provides the correct test". Therefore when there is a substantive legitimate expectation in need of protection, it is for the decision maker and not the Court to judge whether that expectation should be protected or whether broader public interest is so strong as to override the expectation. The Court would only intervene if the decision maker's judgment was perverse or irrational. Thus the present position is that the substantive protection of legitimate expectation has to be sought on the more traditional approaches of the English Law namely (a) procedural protection and (b) protection in terms of '*Wednesbury*' unreasonableness. 170 180

Procedural Legitimate Expectation

Let us now examine whether there has been procedural propriety before the decision was taken not to grant extension of service to the petitioners. It would appear that all the petitioners had submitted their applications for extension of service within the stipulated time period. The petitioners had a good service record and they were of sound health. Despite the recommendations of Service Extensions Committee these applications were not submitted to the Ministry for approval. The explanation was that since the issue of non-granting of extension was under consideration by the Ministry, C.W.E. did not forward the applications for extension of service of the petitioners to the Ministry. Thereafter by Circular No.27/2002 dated 21.06.2002(P6) the Acting General Manager communicated the decision of the 1st respondent Board not to grant extension of service to employees over 55 years of age and to retire them with effect from 31.07.2002. This undoubtedly affected the livelihood of the employees of C.W.E. who have reached 55 years of age. 190

It is necessary to emphasise that published policy criteria in respect of extension of service as found in Circular No.1-01/07 200
ද.ස.ප. dated 14/11/95 (P5) was in accordance with the provisions of the Establishments Code and the practice adopted by C.W.E., was to grant extensions upto 60 years except on medical and disciplinary grounds. If there is any departure from such policy it is imperative that those who are likely to be affected by the change ought to be given sufficient notice. The substantive legitimate expectation of the ultimate benefit is protected by a right to a hearing and a right to make representation prior to changes being effected. This right was recognized by House of Lords in *Council of Civil Service Unions v. Minister for the Civil Service* (*supra* at page 954). Lord 210
Roskill laid down this principle in the following terms: "The principle (of legitimate expectation) may now said to be firmly entrenched in this branch of the law. As the cases show, the principle is closely connected with 'a right to be heard'. Such an expectation may take many forms. One may be an expectation of a prior consultation. Another may be an expectation of being allowed time to make representations, especially where the aggrieved party is seeking to persuade an authority to depart from a lawfully established policy

adopted in connection with the exercise of a particular power because of some suggested exceptional reasons justifying such a departure". 220

Craig in his article entitled "Legitimate Expectation: A Conceptual Analysis" (The Law Quarterly Review Vol.108 -1992 79 at pages 85 and 86) identifies procedural rights as both instrumental and non-instrumental in nature. He observes "One of the principal justifications for the existence of procedural rights is instrumental in nature. This rationale emphasises the connection between procedural due process and the substantive justice of the final outcome.; the procedural rights perform an instrumental role in the sense of rendering it more likely that there will be an accurate decision on the substance of the case Other justifications for procedural rights are non-instrumental in nature. They focus on formal justice and the rule of law, in the sense that rules of natural justice help to ensure objectivity and impartiality and facilitate the treating of like case alike. Procedural rights are also seen as protecting human dignity by ensuring that the individual is told why he is being treated unfavourably and by enabling him to take part in that decision." 230

There was no material to suggest that before the 1st respondent Board took the decision for non-granting of extension of service to employees beyond 55 years of age, that consultation of any form or degree ever took place between the management and the employees or their trade unions. It would appear that the 1st respondent Board has deviated from the national policy which is reflected in section 5 of Chapter V of the Establishments Code. It need hardly be emphasised that procedural fairness will protect the integrity of the decision which is in issue. 240

Grounds for Change of Policy

Even if the expectation is reasonable and legitimate there may be good reasons for the public body to act in terms of policy considerations which may frustrate legitimate expectations. 250

The purported policy decision of the 1st respondent Board which tends to defeat legitimate expectations of the petitioners, was justified on the following basis.

- (1) Redundant labour force
- (2) Heavy losses
- (3) Need to reorganize and revitalize to make C.W.E. a profit making organization.

The grounds enumerated above have to be assessed in the light of the principle of unreasonableness expounded in the judgment of Lord Grean, M.R. in *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation*.⁽⁵⁾ Two meanings have emerged of the term 'unreasonable' from this judgment. These relate to deviation from purpose and deviation from fundamental principles. Unreasonableness in the first sense is used as a synonym for a host of more specific grounds of attack such as taking into account of irrelevant considerations, acting for improper purposes and acting mala fide. The second meaning is the substantive sense which would include a decision so unreasonable that no reasonable body could have made it. (*Administrative Law* P.P. Craig - 4th Edition 1999 Edition page 537). The application of the above criteria can involve the danger that the Court may indirectly substitute its judgment on the merits for that of the public body. This however is a general problem that the review of administrative decisions would entail.

(1) Excess Staff

The issue of an excess labour force has not been discussed at the Board meeting held on 05.06.2002. The 1st respondent Board acting on a directive by the Minister of Commerce and Consumer Affairs, which was described as a "policy decision" has decided not to grant extensions of service to employees beyond 55 years and to retire them with effect from 31.07.2002. This is evident by an examination of the contents of the Board decision produced marked 1R1. It reads as follows:

(a) As per policy decision of the Hon. Minister of Commerce and Consumer Affairs, there will be no extensions of service after 55 years of age for officers/employees.

(b) These officers/employees serving on extensions of service will be given one month's notice to be treated as retired as effective from 31st July 2002.

(c) These officers/employees who have requested for service extensions and continue to be in service without approval will be considered to be in service till the retirement date of 31st July 2002.

This view is further reinforced by an examination of the Circular No.27/2002 dated 21/06/2002 (P5) which incorporated the Board decision referred to above. The first two paragraphs of this Circular contain reasons for the 1st respondent Board to take the decision not to grant extensions. Two reasons enumerated in the Circular are:

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(a) Due to the accumulation of losses for several years, loss for the year ending on 31.12.2001 was Rs.4000/= Million and by May 2002 Bank overdraft stood at Rs.5000/= Million.

(b) Since the overall economy is facing a severe crisis seeking financial assistance from the General Treasury with a view to generate new sources of revenue is difficult.

It is not possible to draw the inference that losses had been caused due to the excess labour force.

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It is manifest that the issue of redundancy of the labour force, has come into focus only when objections were filed by the 1st respondent.

Several other matters are relevant in assessing good faith of the 1st respondent Board on this issue in the context of a denial of the existence of an excess labour force by the petitioners.

The 1st respondent Board has failed to place any material by way of a Board paper, or a report by the Human Resources Manager to establish that there is an excess of staff. It is common knowledge that excess staff has to be identified after consideration of cadre requirements and structural organization of all the departments of C.W.E. The Ministry by its earlier Circular (P5) has addressed the issue of a possible excess of staff by stipulating that if the institutions are overstuffed new recruitments could be delayed for a certain period.

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(2) Heavy Losses and (3) Reorganization

1st respondent Board claims that reduction of staff by discontinuance of casual employees and the retirement of over 55 employees by denying their extensions has saved C.W.E. Rs.6.5 Million a month.

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There was no evidence of any rational assessment as to the overhead cost reduction of C.W.E. arising from this exercise. What we have is the bare statement by the 1st respondent Board of the saving which is denied by the petitioners.

The recruitment drive of the 1st respondent Board assumes much significance in view of its claim of reduction of overhead costs.

The 1st respondent Board claims that in order to avoid allegations of discrimination and unequal treatment C.W.E. decided to discontinue all casual employees across the board without exception, despite the need to retain services of some. In similar circumstances, the non-extension of over 55 employees has taken place, despite the need to retain the services of some.

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As was stated in a preceding paragraph there was no intimation of an official figure in respect of excess employees emanating from a systematic study of the structural organization and cadre requirements of C.W.E. In the absence of such data based on agreed principles it would appear that fresh recruitments would be on a haphazard and irrational manner without any attempt to correlate to the actual needs of the organization. This is evident by the fact that the management has recruited 38 employees (Vide P13(D) - P13(H), P13(K) - P13(Z), P13(Z1), P11, P8(A) - P8(J), P8(L) - P8(O) before the date of discontinuance of the casual employees namely on 18.03.2002.

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It was never the position of the 1st respondent Board that in anticipation of the discontinuance of casual employees it recruited new employees with the intent of filling vacancies that would be created in the future. It has to be borne in mind that retirement of over 55 employees came into effect from 31.07.2002. Therefore, it is not correct to say that C.W.E. recruited some employees on a casual basis to fill the vacancies created after the discontinuance

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of casual employees and retirement of over 55 employees.

The petitioners disputed the purpose of discontinuance of casual employees and the recruitment drive for new casual employees on the ground that discontinuance was effected to get rid of employees appointed by the previous government to pave the way for the management, to recruit supporters of the present government.

The theme of cost reduction in respect of recurring overhead expenses is open to doubt in the absence of any official figure relating to discontinuance of both casual and over 55 employees. It has been established that 64 employees (inclusive of 16 for the Investigation Unit of the Ministry and 3 for the Sathosa Management Service Ltd.) had been recruited before the Circular No.15 dated 23.05.2002 (P10) of Secretary to the Treasury came into effect. The case of Super Market Manager for Welisara Super Market recruited on a monthly salary of Rs.80,000/= and the likelihood of several more similar appointments in the near future in terms of advertisement marked P12, is a pointer in the direction of enhanced overhead expenses, defeating objectives of the new policy.

The petitioners have placed material to establish that Sathosa Management Services, is a subsidiary funded by the C.W.E. by documents P15, P16(a), P16(b) and P17(a) - P17(h). The 1st respondent Board has not denied that salaries of the 16 officers attached to the Investigation Unit of the Ministry of Commerce and Consumer Affairs are paid by C.W.E. (Vide P18(A) - P18(F). The 1st respondent Board has described the Investigation Unit as having duties to perform embracing all institutions under the purview of the Ministry of Commerce and Consumer Affairs.

It has been established that 4 employees of the Investigation Unit and 2 officers from the Sathosa Management Services Ltd., one being newly appointed Super Market Manager for Welisara Super Market, are over 55 years of age. This is a glaring example of differential treatment which would strengthen the case of the petitioners in establishing both unreasonableness and discriminatory treatment meted out to the petitioners.

Secretary to the Treasury by his Circular No.15 dated 23.05.2002(P10) outlining government policy directed Secretaries

of all Ministries, Heads of Departments and Chairmen of Corporations, Statutory Boards and Government Owned Business Undertakings to suspend forthwith until further notice all new recruitments on any basis. The 1st respondent Board disregarding the content of this Circular has recruited nine employees as evident from documents marked P9(A), P9(B), P9(C), P14(A), P14(B) and P14(C). 400

In this Circular (P10) Secretary to the Treasury has made several proposals to meet a situation of excess staff. He has proposed that a work study be undertaken to identify excess cadre and to redistribute the work among the existing workforce to ensure smooth functioning of the organization. The 1st respondent Board has proceeded to act disregarding these proposals, which commend itself for consideration in addressing problems associated with excess staff. 410

In view of the foregoing material, the decision of the 1st respondent Board to effect a change of policy in respect of extension of service of over 55 employees is not warranted either upon considerations of public interest or upon known principles of fairness.

Nevertheless, the change of policy will affect future recruitments having regard to the fact that the public body is free to formulate and reformulate policy. The duty of the Court is to safeguard rights, as well as interests deserving protection based on legitimate expectations. 420

Other Remedies

The 1st respondent Board had taken up the position that the petitioners have other remedies to pursue, to seek relief and therefore they ought not to be granted relief in terms of Article 12(1) of the Constitution.

It is not disputed that petitioners could seek relief either -

(b) by way of an application to the Labour Tribunal or by 430

(c) Arbitration in terms of Section 26 of C.W.E. Act.

Nevertheless, they have chosen to seek relief for infringement of their fundamental rights in terms of Article 12(1) of the

Constitution. Article 126(2) of the Constitution vests the sole and exclusive jurisdiction in the Supreme Court to have and determine any question relating to infringement or imminent infringement of any fundamental right guaranteed by the Constitution. It is to be highlighted that the constitutional provisions being the higher norm, will prevail over other statutory provisions and therefore petitioners are entitled to seek relief for alleged infringement of their fundamental right even in situations where there are other remedies to pursue. 440

Relief

The petitioners were given interim relief in terms of prayer (b) of their petition by restraining the 1st respondent Board from retiring them until the final determination of this application. The petitioners have failed to submit their applications for extension of service while the proceedings of this case were pending. It is to be observed that petitioners are required to make their applications for extension, 3 months before the expiry of the earlier extension. In the circumstances, it is not possible to claim a further extension of service. Therefore, upon a consideration of totality of the circumstances, it is just and equitable to grant the petitioners compensation for violation of their fundamental rights. 450

For purposes of convenience, I propose to classify the petitioners into five categories in terms of their age for granting relief.

Description of the Petitioner	Age
01	55
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08]	57	
10]		470
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13]		
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02]	58	
12]		
19]		
20]	59	

19th and 20th petitioners are due to retire on reaching 60 years on 16.01.2004 and 15.09.2003 respectively. In the circumstances, I order the 1st respondent Board to pay compensation to the petitioners in the following manner. 480

1st petitioner	-	Rs.375,000/=
05th, 07th, 09th, 15th, 16th & 17th & 18th petitioners	-	Rs.325,000/= each
3rd, 04th, 6th, 08th, 10th, 11th, 13th, 14th & 21st petitioners	-	Rs.275,000/= each
02nd & 12th petitioners	-	Rs.225,000/= each
19th & 20th petitioners	-	Rs.30,000/= each

I order 1st respondent Board to pay the petitioners Rs.5000/= each as costs of this application. 490

These payments shall be made by the 1st respondent Board to the petitioners on or before 30th November 2003.

S.N. SILVA, C.J. - I agree.

ISMAIL, J. - I agree.

Relief granted.