IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an application under and in terms of Article 126 of the Constitution read together with Article 17 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

S.C.F.R. Application No.45/2016

1. **CENTRAL ENGINEERING CONSULTANCY BUREAU ENGINEERS' ASSOCIATION**
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

2. **I.R.P. GUNATHILAKE**
   President,
   Central Engineering Consultancy Bureau Engineers' Association,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

3. **S.V. MUNASINGHE**
   Secretary,
   Central Engineering Consultancy Bureau Engineers' Association,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

4. **S. WIJESINGHE**
   Deputy General Manager,
   Central Engineering Consultancy Bureau Engineers' Association,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

5. **W.S.U. KUMARA**
   Engineer,
   Central Engineering Consultancy Bureau Engineers' Association,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

PETITIONERS

VS.

1. **CENTRAL ENGINEERING CONSULTANCY BUREAU**
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

2. **G.D.A. PIYATHILAKE**
   Chairman,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

3. **K.L.S. SAHABANDU**
   General Manager,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

4. **T.D. WICKRAMARATNE**
   Corporate Additional General Manager,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

5. **S.P.P. NANAYAKKARA**
   Corporate Additional General Manager,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

6. **LALANI PREMALTHA**
   Administrative Officer,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

7. **A.GALKETIYA**
   Engineer,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

8. **J.J. JAYASINGHE**
   Engineer,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

9. **G.A.U.GAMLATH**
   Engineer,
   Central Engineering Consultancy Bureau,
   No. 415, Bauddhaloka Mawatha,
   Colombo 07.

10. **H.M.T.N. DHANAWARDENA**
    Engineer,
    Central Engineering Consultancy Bureau,
    No. 415, Bauddhaloka Mawatha,
    Colombo 07.

11. **K.K.IRESHA**
    Architect,
    Central Engineering Consultancy Bureau,
    No. 415, Bauddhaloka Mawatha,
    Colombo 07.

12. **U.G.N.N. GAMLATH**
    Engineer,
    Central Engineering Consultancy Bureau,
    No. 415, Bauddhaloka Mawatha,
    Colombo 07.

13. **H.M.G.U.KARUNARATHNE**
Engineer,
Central Engineering Consultancy Bureau,
No. 415, Bauddhaloka Mawatha,
Colombo 07.

14. **J.D.N.P. JAYASOORIYA**
Engineer,
Central Engineering Consultancy Bureau,
No. 415, Bauddhaloka Mawatha,
Colombo 07.

15. **J.M.M. JAYASINGHE**
Engineer,
Central Engineering Consultancy Bureau,
No. 415, Bauddhaloka Mawatha,
Colombo 07.

16. **HON. ATTORNEY- GENERAL**
Attorney-General's Department,
Colombo 12.

RESPONDENTS

BEFORE: K. Sripavan, CJ.
Prasanna Jayawardena PC, J.

COUNSEL: Saliya Pieris with Migara Doss for the Petitioners.
Manohara De Silva, PC with Ms. S.H.H.C.U. Senanayake and R.Rizwan for the 1st to 6th Respondents.
Viraj Dayaratne, Senior DSG, for the Attorney-General.

ARGUED ON: 06th December 2016

WRITTEN SUBMISSIONS: Filed by the Petitioners on 16th December 2016.
Filed by the 1st to 6th Respondents on 19th December 2016.

DECIDED ON: 01st February 2017

Prasanna Jayawardena, PC. J

This Order is on the preliminary objection raised by learned President's Counsel appearing for the 1st to 6th Respondents. The objection is that, the Petitioners have failed to file this application within a period of one month from the date of the alleged infringement of their fundamental rights in compliance with the condition stipulated in Article 126 (2) of the Constitution. Learned President's Counsel submits that, for this reason, the Petitioner's application should be dismissed *in limine*.

The 1st Petitioner is a registered Trade Union and the 2nd and 3rd Petitioners are the President and Secretary of the 1st Petitioner Trade Union. The 2nd, 3rd, 4th and 5th Petitioners are all employees of the 1st Respondent, namely Central Engineering Consultancy Bureau ["the CECB"], which is a public corporation registered in terms of the State Industrial Corporation Act No. 49 of 1957. The other Respondents are officers and employees of the CECB.

The dispute in this application arises from the allocation of House No. D2 in the CECB's `Official Residence Complex' located at Colombo 7. There are several houses in this residential complex and all of them are owned by the CECB. When House No. D2 fell vacant in October 2015, the General Manager of the CECB [the 3rd Respondent] called for applications from Staff Officers of the CECB who wished to have this house allocated them to them as their residence. The 4th and 5th Petitioners applied. The 7th to 16th Respondents also applied. Thus, there were twelve applicants for this house.

In December 2015, the Chairman of the CECB [the 2nd Respondent] appointed a four man committee to evaluate these applications in terms of Section1.4.4 of Chapter X of the Administrative Code of the CECB. This committee consisted of the 4th, 5th and 6th Respondents and the 2nd Petitioner. It was chaired by the 4th Respondent. During the deliberations of this committee, there was a difference of opinion between the 2nd Petitioner and the other members of the committee with regard to the 7th Respondent's eligibility to be allocated a house. The 2nd Petitioner states that he believed the 7th Respondent was not qualified to obtain House No.D2 because the 7th Respondent had been allocated an official residence at Digana.

The Committee prepared a Report which was submitted to the Chairman of the CECB [the 2nd Respondent] under cover of a letter dated 12th January 2016 signed by the 4th Respondent, who was the chairman of the committee. This letter dated 12th January 2016 and the annexed Report of the committee, have been filed with the Petition, compositely marked **"P20"**.

In this Report, three members of the four man committee [*ie:* the 4th, 5th and 6th Respondents] have recommended that House No.D2 be allocated to the 7th Respondent. The 4th, 5th and 6th Respondents, who constitute a majority of the committee, have signed the Report on 04th January 2016 and that date has been typed below their signatures on the last page of the Report.

However, on that same day (*ie:* on 04th January 2016), the 2nd Petitioner, who was the other member of the committee, has made two handwritten minutes on the last page of the Report stating that, the 7th Respondent has been allocated an official house at Digana and the 8th Respondent has a house at Moratuwa and that, these issues should be investigated before the committee reaches a decision. Both these minutes bear the date 04th January 2016. Thereafter, on 12th January 2016, the 2nd Petitioner made a further handwritten minute on the last page of the Report to the effect that he does not agree with the decision of the committee and stating that he will not sign the Report. This minute made by the 2nd Petitioner has been dated 12th January 2016 and it has been marked **"P20B"**.

A perusal of **"P20"** shows that, upon receipt of the letter dated 12th January 2016 and the attached Report, the Chairman of the CECB made a handwritten endorsement on the letter addressed to the General Manager of the CECB stating, *"Pl proceed as per Committee recommendations and allocate the house to Eng. A. Galkatiyage"* . Thus, the Chairman of the CECB has accepted the recommendation made by the majority of the committee (*ie:* the 4th, 5th and 6th Respondents) and ordered that House No.D2 be allocated to the 7th Respondent. The Chairman of the CECB has then signed below his endorsement and dated it 13th January 2016. Thus, the Chairman's order to allocate House No.D2 to the 7th Respondent was made on 13th January 2016.

The present application was filed in this Court on 12th February 2016. That is within one month of both 12th January 2016 when the 2nd Petitioner made the minute marked **"P20B"** on the Report and of 13th January 2016 when the Chairman of the CECB made the endorsement accepting the recommendation of the majority of the committee and directing that House No. D2 be allocated to the 7th Respondent.

The substantive reliefs prayed for by the Petitioner are a declaration that the majority findings set out in the Report marked **"P20"** are null and void, an Order prohibiting the 1st to 6th Respondents from acting upon the Report marked **"P20"**, an Order quashing the Report marked **"P20"**and an Order quashing any further decision taken by the 1st to 6th Respondents in furtherance of the Report marked **"P20"**.

Accordingly, the impugned act which is alleged to be a violation of the Petitioners' fundamental rights is constituted by the Report which together with the letter marked 12th January 2016, are compositely marked **"P20"**. The aforesaid endorsement made by the Chairman of the CECB on 13th January 2016 directing that, House No.D2 be allocated to the 7th Respondent is also part of **"P20"** and, therefore, is a constituent element of the alleged infringement.

Learned President Counsel for the Respondents submits that, this alleged infringement occurred on 04th January 2016 since the Report bears that date and was signed by the 4th, 5th and 6th Respondents, who constitute a majority of the committee, on that day. He goes on to submit that, therefore, the present application is out of time since it was filed more than one month later, on 12th February 2016.

Learned Counsel for the Petitioners submits that, although the Report bears the date 04th January 2016, which is the day on which the 4th, 5th and 6th Respondents signed it, the Report of the committee became *"finalized"* only on 12th January 2016 when the 2nd Petitioner made the minute marked **"P20B"** thereon stating that he does not agree with the decision of the committee and that he will not sign the Report and, thereupon, the Report was submitted to the Chairman of the CECB under cover of the letter dated 12th January 2016. He goes on to submit that, the documents filed with the Petition marked **"P21"**, **"P22"** and **"P23"** further establish that, the Report was not complete until 12th January 2016 which was when the 2nd Petitioner recorded on the Report the fact that he disagreed and refused to sign. Learned counsel submits that, in any event, the recommendation made in the Report became effective only on 13th January 2016 when the Chairman of the CECB made his endorsement ordering that, House No.D2 be allocated to the 7th Respondent. On this basis, it is submitted that, the alleged infringement occurred on 13th January 2016 and that the present application has been filed before the expiry of one month from that day.

Thus, the question before us is whether the alleged infringement occurred on 04th January 2016 or on 12th January 2016/13th January 2016. If the answer is `04th January 2016', the present application is time barred and is liable to be dismissed *in limine*. If the answer is either `12th January 2016' or `13th January 2016', the present application has been filed within the time limit of one month and the Petitioners are entitled to proceed further.

In this regard, the letter dated 28th December 2015 marked **"P19"** is relevant. By this letter, the Chairman of the CECB has appointed the aforesaid committee to evaluate applications for House No.D2 and recommend the applicant to whom the house should be allocated. **"P19"** states that, the committee was appointed in terms of Section 1.4.4 of Chapter X of the Administrative Code of the CECB.

Chapter X deals with matters relating to the Official Residences [`නිල නිවාස'] of the CECB. Section 1.1 states that, when a vacancy arises in one of the official residences of the CECB, applications should be called for from staff officers of the CECB who would like to be allocated the vacant house. Section 1.4 sets out the procedure to be followed when evaluating applications which are received. Section 1.4.4 requires the Chairman to appoint a committee to evaluate the applications. Section 1.4.4.4 specifies that, the recommendation of the committee has to be submitted to the Chairman for his approval. Section 1.4.5 states, official houses will be allocated to the selected applicants depending on the service exigencies of the CECB and in accordance with the approval of the Chairman [*"නිර්දේශිත අයදුම්කරුවන් සඳහා කාර්යාංශයේ සේවා අවශ්‍යතාවය මත සභාපතිතුමාගේ අනුමැතිය අනුව නිවාස ලබා දීමට කටයුතු කරනු ඇත"*]. Section 1.3.5 also states with regard to the eligibility of applicants to obtain official residences, that the allocation of official houses requires the approval of the Chairman of the CECB ["ඉහත සඳහන් සුදුසුකම් මත තෝරාගනු ලබන අයදුම්කරුවන්ට නිල නිවාස ලබා දෙනුයේ සභාපතිතුමාගේ අනුමැතිය ලබා ගැනීමෙන් පසුවය"].

Thus, it is evident that, in terms of the Administrative Code of the CECB, the Report of the committee was only a recommendation. It is also evident that the, allocation of House No.D2 to the 7th Respondent took place only on 13th January 2016 when the Chairman of the CECB made his endorsement on the letter dated 12th January 2016 directing that this house be allocated to the 7th Respondent.

Further, a perusal of **"P20"**, **"P21"**, **"P22"** and **"P23"** establish that: on 04th January 2016, the 4th, 5th and 6th Respondents signed the Report and the 2nd Petitioner made two minutes thereon stating that, further matters need to be investigated before the committee can take a decision; on the same day, the 4th Respondent, who was the chairman of the committee, addressed the letter marked **"P21"** to the General Manager of the CECB seeking a clarification regarding the allocation of official residences in terms of Sections 1.0 and 1.3.6 of Chapter X of the Administrative Code of the CECB. It is clear that, the 2nd Petitioner made this request seeking a clarification as a direct result of the two minutes made by the 2nd Petitioner on 04th January 2016 where he stated that further matters need to be investigated before the committee could reach a decision; on 05th January 2016, the General Manager made a minute on **"P21"** requesting the Senior Legal Officer to provide her comments on the issue raised by the 4th Respondent; on 07th January 2016, the Acting Senior Legal Officer addressed her memo marked **"P22"** to the General Manager setting out her views on the issue raised by the 04th Respondent; on 09th January 2016, the General Manager forwarded **"P22"** to the 4th Respondent; on 11th January 2016, the 4th Respondent addressed the memo marked **"P23"** to the 2nd Petitioner attaching the clarification provided by the General Manager and requesting the 2nd Petitioner to *"Kindly provide your concurrence/dissention on the report finalized by the committee"*; on the next day - *ie:* on 12th January 2016 – the 2nd Petitioner made the minute marked **"P20B"** on the last page of the Report stating *"I do not agree with the comment made by the LO on the official residence of Digana. Hence I will not sign the report"*; Thereupon, the 4th Respondent, as the chairman of the committee, forwarded the Report to the Chairman of the CECB under cover of his aforesaid letter dated 12th January 2016.

The documents marked **"P20"**, **"P21"**, **"P22"** and **"P23"** establish that:

(i) Although the 4th, 5th and 6th Respondents signed the Report on 04th January 2016, the 4th Respondent, in his capacity as the chairman of the committee, considered that there was issue which had to be clarified *before* the decision of the committee could be finalized and, therefore, he sought clarification with regard to this issue from the General Manager who, in turn, referred this question to the Senior Legal Officer.

(ii) This clarification was received by the 4th Respondent on or about 09th January 2016;

(iii) The 4th Respondent, in his capacity as the chairman of the committee, considered that, it was essential that, the decision of the 2nd Petitioner,

who was the other member of the committee, was received and recorded *before* the Report of the committee could be finalized and, therefore, on 11th January 2016, requested the 2nd Petitioner to state his views on the Report;

(iv) The 2nd Petitioner recorded his disagreement and refusal to sign the Report by his minute marked **"P20B"** written by him on the last page of the Report on 12th January 2016;

(v) The 4th Respondent considered that, the Report was finalized when the 2nd Petitioner's decision was received and recorded on 12th January 2016 and, accordingly, the 4th Respondent forwarded the Report to the Chairman of the CECB on that same day.

The actions of the 4th Respondent, who was the chairman of the committee, demonstrate that, even though a majority of the committee had signed the Report on 04th January 2016, the committee did not consider that, their decision was finalized on that date since an issue still had to be clarified. Instead, the conduct of the 4th Respondent reveals that, he considered that, the Report could be finalized only after the issue raised by the 2nd Petitioner was clarified and he received and recorded the 2nd Petitioner's decision. It is evident that, the 4th Respondent did not consider the Report to be complete until the decision of *all* four members of the committee was obtained and placed on record and the Report could then be submitted to the Chairman of the CECB.

In this connection, it hardly needs to be pointed out that, the reason for appointing a committee such as the committee in this case, is to obtain the benefit of the input of all members of the committee in an attempt to reach a consensual decision with regard to an issue. What is expected and is required is that, the members of the committee collaboratively examine the subject referred to them, bringing to bear their individual and collective knowledge, experience and views. The input of each of the members is equally important in this process. They are expected to strive to reach a collective decision on the subject *or* where there is disagreement among them as to the correct decision, reach a majority decision after considering and recording, the views of those who dissent. It is only when all of these steps are completed, that the committee can be properly considered to have reached a decision. These are requirements dictated by common sense. They are also, in my view, the requirements of the Law since the Law, most times, crystallizes common sense. The validity of this conclusion is illustrated by the decision in COOK vs. WARD [1876 CPD Vol. II 255] where Coleridge CJ held that, in the absence of specific authority empowering one member of a committee of three to take a decision, the powers conferred on the committee must be exercised by all of the members of the committee acting in concert. Lindley J stated [at p.263] *"Whatever is done by the persons so selected must be the joint act of the three; it was not competent for the committee to delegate any of their powers to one or two of their number."*. On the same lines, Shackleton on the Law and Practice of Meetings [8th ed. at p.46] citing

the decision in RE LIVERPOOL HOUSING STORES ASSOCIATION,LIMITED [1890 59 LJ Ch. 616] states, *"Where a board of directors delegates its powers to a committee, without provision as to the committee acting by a quorum, all acts of the committee must be done in the presence of all the members of the committee."*. MORRIS vs. GESTETNER LTD [1973 1 WLR 1378] illustrates the application of a similar rule with regard to a decision taken by a tribunal. In that case, an industrial tribunal was required to determine whether an employee had been unfairly dismissed by his employer. Two members of the tribunal held that here had been an unfair dismissal. The other member disagreed. Thereafter, the decision on the question of whether reinstatement should be recommended was made by only two members of the tribunal since the member who had dissented earlier did not participate in deciding the issue of reinstatement. The Court held that, this procedure was irregular since all three members of the tribunal were required to consider whether reinstatement should be recommended. The Court stated [at p.1383], *"….. it was for the tribunal and every member of it to consider whether there should be a recommendation."*. Similarly, in R. KENSINGTON AND CHELSEA RENT TRIBUNAL [1974 1 WLR 1486] where a rent tribunal, which consisted of three members, had reached a decision which did not appear to have been considered by all three of them, Lord Widgery CJ, referring to a submission made by counsel, observed [at p.1490], *"…under the Act the tribunal consists of a chairman and two other members; he submits quite rightly that no decision can be taken except by a tribunal so constituted."*.

The conduct of the 4th Respondent, who was the chairman of the committee, demonstrates that he, very correctly, recognized these requirements and obtained the decision of the 2nd Petitioner on record before the Report could be completed and submitted to the Chairman of the CECB on 12th January 2016.

I am of the opinion that, in the absence of a specified quorum for the committee, the Report was completed only when all four members of the committee had set out their decisions on the Report – *ie:* on 12th January 2016. To draw a familiar parallel, an order or judgment is completed only when all the members of the panel or bench which heard and determined the matter, have signed it. The only circumstance in which the decisions of all four members of the committee were not essential to complete the Report would have been if one of them had ceased to be a member of the committee by resigning or by his or her conduct and the membership of the committee had been reduced to the three persons who signed the Report on 04th January 2016. However, in such circumstances, the question will arise as to whether the committee had to be reconstituted. In any event, such questions do not arise here since the 2nd Petitioner continued to actively participate in the decision making of the committee.

Accordingly, I hold that, the Report of the committee was completed only on 12th January 2016 when the 2nd Petitioner set out his views on last page of the Report and, thereby, *all* four members of the committee had stated their views so that the Report could be submitted to the Chairman of the CECB.

Before I move on to consider the next issue which arises, I should refer, at this point, to the submission made on behalf of the Respondents that, the steps reflected in the documents marked **"P21"**, **"P22"** and **"P23"** cannot interrupt the running of time from the date the majority of the committee signed the Report. In doing so, learned President's Counsel relies on the decisions in GAMAETHIGE vs. SIRIWARDENA [1988 1 SLR 384] and JAYAWEERA vs. NATIONAL FILM CORPORATION [1995 2 SLR 120] which held that, the time limit of one month begins to run when the infringement occurs and that, the pursuit of administrative remedies after the infringement occurred, do not prevent or interrupt the running of time.

However, the principle stated in these two cases is entirely inapplicable to the present issue since **"P21"**, **"P22"** and **"P23"** are not `appeals' made *after* the impugned decision but are steps taken *prior to* reaching the impugned decision. Thus, the Report, which is a composite element of the impugned act, was completed only on 12th January 2016 *after* the date of **"P21"**, **"P22"** and **"P23"**.

For the reasons set out above, I hold that, the Report of the committee was completed on 12th January 2016.

Next, as mentioned earlier, Section 1.4.4.4 of Chapter X of the Administrative Code of the CECB makes it clear that this Report was only a recommendation made to the Chairman of the CECB. Thereafter, Section 1.4.5 and Section 1.3.5 which I cited earlier, establish that, this recommendation became effective only on 13th January 2016 when Chairman made his endorsement on the letter dated 12th January 2016 which is part of **"P20"**, directing that House No. D2 be allocated to the 7th Respondent.

Therefore, I hold that, the alleged infringement which is referred to in the Petition was completed only on 13th January 2016 when the Chairman of the CECB made his decision with regard to the allocation of House No. D2 and that decision became known to the Petitioners.

Before I conclude this Order, I should also refer to two other submissions made on behalf of the Respondents.

Firstly, learned President's Counsel submits that, since the 2nd Petitioner is the President of the 1st Petitioner Trade Union and the 3rd Petitioner is the Secretary of that Trade Union, the 1st and 3rd Petitioners became aware, *"through association"*, of the decision of the majority of the committee reached on 04th January 2016. I cannot agree with this submission since, on the material before this Court, I see no reason to surmise that the 2nd Petitioner was guilty of the impropriety of conveying the inner workings of the committee to persons who were not members of the committee. Therefore, there is no reason to hold that, the other Petitioners became aware of the alleged infringement until the decision of the Chairman of the CECB was made on 13th January 2016 and it became known to them. In any event, as determined earlier

in this Order, the committee had not reached a decision on 04th January 2016 and the alleged impugned act did not occur on that day.

The second submission is that, Prayer (d) of the Petition prays that the *"majority findings of the Committee"* be declared null and void and that the other reliefs which have been prayed for in Prayers (e) to (g) of the Petition cannot be granted unless this Court first quashes the *"majority findings of the Committee"* as prayed for in Prayer (d). Learned President's Counsel submits that, the decision of the majority of the committee was reached on 04th January 2016 and, therefore, the relief prayed for in Prayer (d) is time barred and, consequently, the other reliefs prayed for in Prayers (e) to (g) of the Petition cannot be granted. I am unable to agree with this submission since Prayer (f) stands independently and prays that this Court *"Make order quashing the Report at **P20**".* There is no reference to the *"majority findings of the Committee"* in Prayer (f). Thus, Prayer (f) can stand independently even if Prayer (d) is refused. If the relief prayed for in Prayer (f) is granted, the reliefs prayed for in Prayers (e) and (g) may be granted, if the Court so decides. Thus, this application can be proceeded with even if Prayer (d) is disregarded. In any event, when one looks at the averments in the Petition and the Prayers to the Petition as a whole, it is evident that, the Petitioners are seeking reliefs from this Court quashing the letter and Report compositely marked **"P20"** and also the allocation of House No.D2 to the 7th Respondent, which was done by the Chairman's endorsement on the letter. In view of this, I do not think it is fitting for this Court to seize upon a few words in one Prayer of the Petition to justify dismissing this application *in limine*. In reaching this decision, this Court keeps in mind the guiding principle enunciated by Sharvananda CJ in MUTUWEERAN vs. THE STATE [5 Sri Skantha's Law Reports 126 at p. 130] that, *"Because the remedy under Article 126 is thus guaranteed by the Constitution, a duty is imposed upon the Supreme Court to protect fundamental rights and ensure their vindication. Hence Article 126 (2) should be given a generous and purposive construction."*

For the aforesaid reasons, I see no substance or merit in the preliminary objection raised on behalf of the 1st to 6th Respondents. I hold that this application has been filed within one month of the alleged infringement of the Petitioners' fundamental rights. The preliminary objection is overruled. The 1st Respondent shall pay the 1st to 5th Petitioners, jointly, costs in a sum of total sum of Rs.50,000/-. This application should now be supported for leave to proceed, upon its merits.

Judge of the Supreme Court

K. Sripavan CJ.
I agree

Chief Justice