

Narasingh Routh and ors. Vs. Calcutta Dock Labour Board and anr.

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Court : Kolkata

Decided On : Jul-15-1959

Reported in : AIR1960Cal9

Judge : Sinha, J.

Acts : [Constitution of India](#) - Article 226; ;Dock Workers (Regulation of Employment) Act, 1948 - Sections 4(1), 19, 28 and 30

Appeal No. : C.R. No. 1154 of 1959

Appellant : Narasingh Routh and ors.

Respondent : Calcutta Dock Labour Board and anr.

Advocate for Def. : S.M. Bose, Adv. General, ;Arun Kumar Mukherjee and ;Manas Nath Ray, Advs.

Advocate for Pet/Ap. : Kashi Kanta Maitra and ;Milan Kumar Ghose, Advs.

Disposition : Application dismissed

Judgement :

ORDER

Sinha, J.

1. In this application there are nine petitioners. They are all registered Dock-workers under the Calcutta Dock-labour Board. The first respondent is the Calcutta Dock Labour Board, a Statutory Body constituted under Clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 which was framed by the Central Government, in exercise of the powers conferred by Sub-section, (1) of Section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (Act IX of 1948). The second respondent is the Chairman, Calcutta Dock Labour Board. The third respondent is the Deputy Chairman thereof. Under Sub-clause (4) of Clause 4 of the said scheme, the Chairman of the Board is nominated by the Central Government from among the members representing the Government, and the Deputy Chairman is appointed by the Central Government as a wholetime officer. The fourth respondent before me is the 'Administrative Body', constituted under Clause 5 of the said scheme.

2. Under Sub-clause (2) of Clause 16 of the said Scheme, dock workers registered under the Scheme are classified as follows:

(a) Deck-foreman

(b) Hatchforeman

(c) Winchman

(d) Sirdar

(e) Mate

(f) Stevedore Mazdoor

(g) Rigger

(h) Tally Clerk

The Stevedore Mazdoors are classified as senior and junior khamalias and senior and junior Rolias. It is admitted in the petition that each gang of registered dock workers consists of 9 workers as follows:

- (1) Sirdar
- (2) Mate
- (3) Khamali-I
- (4) Khamali-II
- (5) Khamali-III
- (6) Khamali-IV
- (7) Rolia-I
- (8) Rolia-II
- (9) Rolia-III

Each registered dock worker in the reserve pool has got an identity card. In that card, there is a photograph on the left-hand side, of the Worker concerned, and on the right-hand side certain particulars are set out. There is, of course, the mention of his name. Then there is a description of his status, namely, whether he is a 'sirdar' or 'mate' etc. Then there is a number allotted, which is called the 'Booking No.' Then, there is a 'Gang No.' coupled with the serial No. of the workers in the said gang, Thus, if the gang No. is 208, the sirdar will be represented by the number 208/1. The mate will be represented by the number 208/2 and the last person in the gang, namely, Rolia-III will be represented by the number 208/9. I might mention here that the different positions in the gang not only denote the status, but also there is difference in wages and other emoluments.

3. Before I proceed to mention the exact dispute that has arisen in this case, I must refer back to the Scheme. Under Clause 4 of the Scheme, the Central Government shall by notification in the Official Gazette, constitute a Board to be called the 'Calcutta Dock Labour Board' which shall, subject to the provisions contained in the Scheme, be responsible for the administration thereof. It is to consist of not less than 12 members, to be appointed by the Central Government, and shall include an equal number of members representing (i) the Central

Government, (ii) the dock workers, and (iii) the employers of dock workers and shipping companies. Under Clause 5 of the said Scheme, the Central Government may, by notification in the Official Gazette, appoint a body consisting of such employers of dock workers as the Central Government may nominate in' this behalf, to be the 'Administrative Body', for the purpose of carrying out the day-to-day administration of the Scheme. The Administrative Body shall, subject to the supervision and control of the Board and the Chairman, and subject to the provisions of Clauses 44 and 45 of the Scheme, carry on the day-to-day administration of the Scheme. The objects of the Scheme as set out in Clause 2, are to ensure greater regularity of employment for dock-workers and to secure that an adequate number of dock workers are available for the efficient performance of dock work. Under Clause 7 of the said Scheme, the Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in Clause 2. The functions of the Administrative Body are set out in Clause 11. Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for, amongst other things:

'(b) Keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of clock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

(e) the allocation of registered dock workers in the Reserve Pool who are available for work to registered employers and for this purpose the Administrative Body shall

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* * * * *(III) keep the record of Attendance at call stands or control points of registered dock workers'

According to the provisions of the Scheme, when a worker attends and is booked for work, he gets his wage for the shift he actually works. When he attends and no work is found for him, he gets his attendance allowance. When work cannot be found for him for 21 days in a month, he gets his minimum guaranteed wages, provided he has attended on all days in the month. Under Clauses 31 and 32 of the Scheme, a worker is entitled to minimum guaranteed wages and attendance allowances provided he has attended for work on all days, in a month as directed by the Administrative Body. He gets his minimum guaranteed wages proportionate to the number of days on which he has attended for work, provided his attendance is excused for the remaining days of the month. The condition-precedent for the payment of minimum guaranteed wages and attendance allowance is that the worker should attend for work on all days of a month as directed by the Administrative Body except when his attendance is excused. For the purpose of ascertaining the attendance it is necessary to record attendance as required under Clause 43(2) of the Scheme, which runs as follows:

'(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that --

(a) he attended as directed at the call stands or control points; and

(b) his attendance was recorded.'

4. Under Clause 23 of the scheme, every registered worker shall be supplied, free of cost, with-(i) identity card, (ii) attendance card and (iii) wage card in the form prescribed by the Board. In the case of loss of a card, a fresh card will be issued at the cost of the worker concerned. The procedure for recording the attendance of worker is that the worker has to present himself at the counter with the attendance card together with his identity card. The attendance card is in two parts, one red and another yellow. The red card is left with the worker and the yellow card, which is called the 'attendance and wage card', remains with the Board. There are about 9000 reserve-pool workers of the Board. The registered worker is not booked by his name but by his booking number as shown on his identity card. As stated above, the identity card contains the 'gang No.' as well as 'booking No.' What happened was that the Administrative Body discovered that in many of the identity

cards the 'gang No.' or 'booking No.' had faded out due to frequent handling. This fading out, as also the fact that there were more than one number set out in the identity card, often led to the booking of the worker or recording his attendance, by a wrong number. The result was that the worker lost his wages and other statutory allowances. To avoid this, the Administrative Body and the Board, after taking consent of the Labour Unions represented on the Board, decided that the booking number, which is the same as the gang number, in case of a worker who works in a gang, should be displayed on the identity card in bold numerals by pasting a slip containing that number on the identity card of each worker. In order to facilitate the identification of the workers' category it was decided that the number so displayed should be preceded by the following letters in respect of different categories of workers indicated below :

'D. F.' for deck foreman;

'H. F.' for hatch foreman;

'W' for Winchman;

'G' for gang workers i.e. sirdars, mates and stevedor mazdoors;

'T. C.' for tally clerks;

5. Before proceeding further, I might mention that at the present moment there are 15 members of the Board, and 5 members in the Administrative Body. I have been shown the minutes of a meeting held on 31-10-1958 in the Administrative Body's office, a copy of which is annexure 'A' to the petition. The minutes show that two of the members of the Administrative Body attended and 4 members of the Dock Labour Board. These members were representatives of their respective Unions. Besides them, there was a representative of the Calcutta Dockers' Union, an officer on deputation from the Bombay Dock Labour Board, the Administrative Superintendent, the Assistant Administrative Officer, the Assistant Labour Officers. (booking) and the Assistant Labour Officer (Leave and Service Record). At that meeting, it was mentioned that the main cause of wage disputes was the misquoting of the numbers in the identity cards. It was therefore proposed to paste

a slip on the identity cards as mentioned above. On the same day the Administrative Superintendent made an announcement to the workers, a copy whereof is annexed to the petition and marked with the letter 'B'. It was stated there that it had been agreed between the representatives of the Unions and the Administrative Body, at a meeting held on 31-10-1958 that a slip containing the booking serial number would be pasted on the identity card of the registered worker. This system was introduced only for the purpose of avoiding confusion resulting in wage disputes. On 4-11-1958 a similar announcement was made by the Administrative Superintendent, a copy whereof is also included in the annexure 'B'. This announcement, after referring to the decision to paste a slip on the identity cards, proceeds to state as follows:

'All registered workers will please note that this action is being taken in their interests with a view to avoid disputes in wages and to minimise time in waiting to receive booking and recording attendance. They are, therefore, requested to hand over their identity cards at the time of recording attendance.'

6. After the announcement had been made, when the identity cards were produced by the workers at the counter for the purpose of recording attendance, they were pasted with these slips. The total number of gang workers registered with the Board is 6,507. Out of the said number, 5,936 workers have produced their identity cards for pasting these slips, but about 571 workers have refused to do so. The present application has been made by some of the workers who belong to the latter category. Mr. Moitra appearing on behalf of the petitioners has argued as follows : He says that there is no category of workers in Clause 16 of the said Scheme known as 'Gang workers'. He admits however, that each gang of registered dock workers consists of 9 workers namely, sirdar, mate, 4 khamalis and 3 rolis. In other words, it is admitted that these categories of workers work gangwise. As I have mentioned above, in respect of these 9 categories, the slip that is pasted on the identity card contains the prefix 'G' and then the gang number and the exact position of the particular worker in the gang. Mr. Moitra says that this is contrary to law and the workers cannot be compelled to have such a slip pasted on their identity cards. When Mr. Moitra first opened his case he did not argue that the identity cards that had been used since the inception of the Scheme, were not

properly issued. During the proceedings however, he came to raise the point that the identity cards themselves were not in order because, no forms have been prescribed by the Board. As I have stated above, the Administrative Body required the identity card to be produced at the time of recording attendance, and as soon as they were produced, this slip was pasted. For some obscure reason, these five hundred and odd workers refused to produce their identity cards for recording attendance, because they would not allow these slips to be pasted on their identity cards. The result was that the attendance of these workers was not recorded. I am told that as a result these poor workers have lost about 15 lakhs of rupees in wages, and other kinds of payments under the Scheme. The objections which are now put forward to the pasting of the slips on the identity cards are as follows :

(1) That the identity cards are not in proper form, not having been prescribed by the Dock Labour Board.

(2) That the pre-fixing of the letter 'G' is illegal because, there is no category of worker known as the 'Gang worker'.

(3) That the Administrative Body had no power under the Scheme to compel the workers to have these slips pasted on their identity cards, and further had no jurisdiction to refuse to record their attendance without production of the identity cards for such pasting, and the workers have been wrongly deprived of payments under the Scheme as a result thereof.

7. Before I proceed to deal with these points, it is necessary to mention a fact, the importance of which will presently be seen. This rule was issued on the 29th April, 1959. During the pendency of this rule, on the 2nd July, 1959 the Calcutta Dock Labour Board passed a resolution, at a meeting in which 14 out of its 15 members attended. The resolution Appears to have been unanimous. A copy of the resolution has now been filed before me and annexed to the affidavit of Sailendra Nath Lahiri, Secretary, Calcutta Dock Labour Board, affirmed on the 6th July, 1959. The resolution may be summarised as follows :

(1) The existing forms of the identity cards were approved as prescribed forms, with, such variation and changes as may be required by circumstance.

(2) The Board approved of the decision taken by the Administrative Body on 31st October, 1958 to the effect that in order to facilitate the booking of the workers and the recording of their attendance, a slip containing in bold numerals, the booking number of the respective workers on the Reserve Pool register, should be pasted on their identity cards and that the booking number should be preceded by letters indicative of the nature of work done by the workers. The exact numerals that are to be pre-fixed were laid down, being identical with the decision of the Administrative Body mentioned above, including the pre-fixing of the word, 'G' for gang workers.

(3) The Board recorded its unanimous and explicit approval and/or ratification of the decision of the Administrative Body taken on the 31st October, 1958 with effect from the date when it was taken.

8. The original minutes of the resolution as well as the register of attendance were produced in Court and inspected by everybody, so that there can be no doubt about the authenticity and validity of the meeting of the Board and its aforesaid resolution.

9. Coming now to the points that have arisen for determination in this case, I shall proceed to deal with them as delineated above. The first point taken is that the identity cards are not in a form prescribed by the Board, I have already stated above the nature of the identity cards which have been used and are still being used by the workers, and they have been used in this form ever since the inception of the Scheme. It is a folding card, which when unfolded contains the photograph of the worker on the left-hand side and the particulars relating to worker on the right-hand side. I have already referred to the contents and the nature of the particulars given. It is admitted that before this resolution of the 2nd July, 1959, no particular form of identity cards had been prescribed by the Board. This particular form was being used ever since the inception of the Scheme and indeed, even at the opening of this application, no mention was made of this point, which came to be developed later on. I might here also mention that no such point about this defect in the identity card under CL 23 of the Scheme has been taken in the petition. There can be no doubt that according to Clause 23 of the Scheme,

the form of the identity card must be prescribed by the Board. Since this particular form has been always in use, there is little merit in the point, which is highly technical. However, this defect has now been remedied, inasmuch as the form of the identity card has now been prescribed by the Board. Mr. Moitra has argued that the form of the identity card having been prescribed only on the 2nd July, 1959, the authorities were not justified in refusing to record the attendance previous to that date, because an unauthorised identity card was not produced, leading to the loss of nearly Rupees 15 lakhs by the registered pool workers. In respect of this argument, it is necessary to draw attention to the form of relief that has been asked for in the petition. What has been asked for is the issue of a writ in the nature of mandamus directing the respondents to forbear from giving effect to the decision to paste a slip on the identity card containing the booking number pre-fixed by the letter 'G', and for a writ of prohibition prohibiting the respondents from giving effect to the said decision. There is also a prayer for a declaration that the withholding of payment of minimum guaranteed wages and attendance money since November 4, 1958 and the declarations by the respondents dated 4-11-58 and 30-11-58 are ultra vires and without any legal authority. In my view, an application under Art, 226 cannot be utilised as a declaratory suit. All I can do, if the petitioners succeed in this application, is to issue a writ in the nature of mandamus directing the respondents not to do things which may be unwarranted in law or forbear from doing so in future. From that point of view, it is sufficient to say that a form of identity card has now been prescribed. If by reason of anything that has happened in the past the petitioners are entitled to pecuniary compensation or damages, they can proceed to avail themselves of their legal remedy in appropriate proceedings.

10. I now come to the second point which is the all-important point in this application, namely the objection of the petitioners to have a slip pasted on their identity cards with the gang number pre-fixed by the letter 'G'. Before I deal with this point I must observe that throughout this proceeding I have asked the learned Advocate on behalf of the petitioners, in vain, to tell me as to what prejudice the workers have suffered, or are likely to suffer, by the pasting of such slips on their identity cards, or by the use of the word. 'G' on the slip. The reasons which have impelled the respondents to introduce this innovation is an administrative reason

and not a judicial one. The Board is entrusted with the working out of the Scheme and the Administrative Body is entrusted with the day-to-day administration of the Scheme. What they have done is to facilitate the day-to-day administration, and apart from the technicalities of the law, is based on sound, common sense. Let us examine the reasons advanced for taking this step which is so vehemently opposed. The workers are given identity cards, the object of which is to help in their identification. The identity cards, which were in use, contained more than one number. There was a booking number and the gang number. In respect of the workers who work in gang, these numbers are identical. Owing to constant handling the booking number in many of the cards became faded-out and/or unreadable. At the hearing Mr. Moitra handed over to me a number of identity cards. I found that in a number of them, not only the booking number had faded, but in some of them even the name had faded out. Let us visualise the procedure of recording the attendance for any of the purposes mentioned in the Scheme. At the counter, there would be a hundreds and sometimes thousands of workers clamouring to get their attendance registered. These people are mostly illiterate and are not all permanent residents of the city. It appears from the affidavit in opposition that considerable ingenuity is displayed by the workers during the process of registering the attendance, and there is, if I may use the expression, a battle of wits. For example, the previous procedure was that a worker would have to present himself at the counter with the attendance card together with his identity card. The attendance card is in two parts, one coloured red which is left with the worker, and the counterpart is coloured yellow which remains with the Board. Sometime ago both these cards were made available to the workers who had to get them punched at the electric punch clock at the counter. On return of the yellow card to the counter after punching, the identity card used to be handed back. What the workers started doing was to punch their red card at the counter without producing their identity card or obtaining the yellow card for punching. This led to the failure of the process. Actually, the position has come to this that the clerk at the counter has now to make entries in his own hand in both the cards, at the time of recording attendance. The difficulty may be easily visualised. A few clerks have to do all these things within a limited time and in respect of thousands of workers. It was found in practice that as a result of two factors there was a

breakdown in the procedure. The first was that in an identity card there were two numbers, one booking and the other gang number. While rapidly scanning the identity cards, confusion used to arise with regard to the booking number and sometimes mistakes were made, with the result that the workers lost their emoluments. The second factor was that in many cases the booking number had faded out and could not be read at all. It is easy to visualise what the situation would be in a case like this. The workers are illiterate and would be of little help in the matter. The booking number could not be determined except by proper investigation which would take time, which the clerks at the counter did not possess. In fact, it would be highly impracticable to expect that any body would have the time and patience to make such an investigation when thousands of workers were clamouring to have their attendance recorded. Therefore, the authorities evolved an idea which seems to me to be a very practicable solution of the problem. It was decided that on each identity card there would be pasted a slip containing in bold numerals, the booking number, pre-fixed by a letter which would at once show the category to which the worker belongs. A glance at this slip would at once indicate to the registering clerk the necessary particulars for his purpose. It would show the category of the worker, his booking number and where it is a gang number, the position of the worker in the gang. As I have mentioned, out of 6,000 workers, all except about 600 workers have got their identity cards pasted with the slips, and the system is working well. Those who object to the procedure, including the petitioners before me, are unable to say how and in what respect they are prejudiced. Apart from the question as to whether the procedure is technically illegal, to my mind it would be absurd for this Court to stop the implementation of an administrative step which is found extremely necessary and is giving good results, and has been accepted by most of the workers. Of course, if the step is beyond the pale of the law, then I would be compelled to interfere. Coming to the legality of the step that has been taken, I have already dealt with the question of the identity card not having been prescribed by the Board. Now the identity card has been prescribed, including the pasting of the slip. At the present moment, the identity card together with the slip pasted thereon is the prescribed form. The next item which is challenged as illegal is the use of the letter 'G'. The argument that has been put forward is that the classification of workers that has been laid down

in Clause 16 of the Scheme-contains no class known as 'Gang workers'. It is therefore, argued that the respondents have no business to use the word, 'G' as a pre-fix before the gang number of those who work in a gang. In connection with this, it must be remembered that it is admitted that some of the workers in the registered pool work in gangs. It is further admitted as to which of the workers do so. I have already set out above the nine categories of workers that constitute a gang and this is admitted in paragraph 5 of the petition. That some of the workers work in gang is recognised by the Scheme itself.

The word, 'Gang' is used in Sections 19, 28, 30 and other sections. The position therefore is that there is no dispute upon the point that some workers work in gangs, and in respect of these workers only it has been decided to use the prefix 'G'. If the matter rested there it might have been said that the workers may be prejudiced to a certain extent because there would be nothing to show the position of the worker in the gang, which might result in his getting less payment than he was entitled to. But the matter does not rest there. As I have mentioned above, in the case of gang workers the booking number and the gang number are the same. Not only is the pre-fix 'G' put on the slip, but also the gang member and thereafter the position of the worker in the gang. It is common-case that in the gang there are 9 workers, and it is also not disputed that the position of the worker in the gang is firmly settled. Thus, when the slip contains the entry -- 'G' 208/1' it at once signifies that the worker is a gang worker and his position in the gang is number 1, which means that he is a 'sirdar'. Similarly, number 2 in the gang is the mate and so on. It will thus be seen, that the practice that has been introduced does not in any way prejudice the worker, but contributes to the better working of the system, which had to be devised in order to cope with the difficult process of taking down the attendance of thousands of workers within a limited period of time. Without some such process being adopted, it would be difficult to determine the identity of the worker, his precise classification and his particular number, all of which have an important bearing upon the emoluments that are to be given. It will be remembered that the Scheme requires the authorities to make payments not only in respect of the work done, but also in respect of unemployment or under-employment, and even they have to pay 'disappointment money' when sufficient or alternative work cannot be found for a worker who has been booked. It is clear that

the Scheme could not possibly be carried out if the utmost vigilance is not exercised in recording the attendance of all categories of workers. In my opinion, the use of the pre-fix 'G' and the pasting of a slip on the identity card are not illegal and do not call for interference. They now constitute a part of the prescribed form of an identity card and therefore, are clothed with legal authority. Secondly, there is nothing in the Act or the Scheme or the Standing Order [hat prevents such use.

11. This brings me to the remaining point upon which a great deal was said on behalf of the petitioners. Firstly, it is said that the meeting of the 31st October, 1958 of the Administrative Body was not a lawful meeting at all and the decision arrived at therein cannot be said to be a decision of the Administrative Body. I have mentioned above that the 'Administrative Body' is constituted under Clause 5 of the Scheme. It is appointed by the Central Government and consists of such employers of dock workers as the Central Government may nominate in this behalf for the purpose of carrying out the day-to-day administration of the Scheme. The functions of the Administrative Body are set out in Clause 11. The 'Administrative Body' is responsible for the administration of the Scheme and thereafter various headings are mentioned which are illustrative of such power. One of such headings is the keeping of the record of attendance at call stands or control points, of registered dock workers. A copy -of the minutes of the meeting of 31st October, 1958 has been annexed to the petition and the original minutes were also produced at the hearing. I must say that the minutes leave much to be desired. I have already said that there were 5 members of the Administrative Body. There is no explanation why only two were present. Then again, if it is a meeting of the Administrative Body I do not see why so many other people happened to be present, including an officer on deputation from the Bombay Dock Labour Board. The learned Advocate General argued that the 'Administrative Body' is really a body which carries on the day-to-day administration and one of its duties is to eliminate disputes between employers and employed. He said that the other persons who were present at the meeting were there by invitation, because, it was an attempt to settle certain disputes between the employers and employees. Indeed, he has pointed out that most of the Unions interested were there and the subsequent declaration that was made was signed by the representatives of the Unions, This appears to be so. Nevertheless, I must make the comment that the

meeting of the Administrative Body, which is a statutory body, should be held with greater care and formality. The learned Advocate General points out that no rules have been framed for the holding of such meetings and no quorum has been fixed. Such rules should be made without delay. The original minutes are not signed by anybody and it is not stated in the minutes as to who constituted the meeting and who were there by invitation. The deliberations on that day appear to be a meeting between the employer and the employee, guided by the Administrative Body, and what was decided on that day has been described as an 'Agreement' between the representatives of the Unions and the Administrative Body. This appears clear from the announcement made to the workers shortly after the meeting. Had the matter rested on the form of the minutes dated 31st October, 1958 or upon the question as to whether there was a proper meeting of the Administrative Body, there would certainly be a scope for dispute. In my opinion, however, the resolution of the Board dated 2nd July, 1959 has resolved this dispute. There can be no dispute about the jurisdiction of the Board. It is a Board which is empowered to carry out the objects of the Scheme, and under Clause 7 the Board has been given the power to take such measures as it may consider desirable for furthering the objects of the Scheme. It appears from the resolution aforesaid that the Administrative Body took a decision on the 31st October, 1958 and the Board was informed of the situation created by that decision, and had by its resolution No. 94 dated 4-11-58 approved certain actions consequent on the said decision. It further appears that the Board considered the matter at its meeting dated 18th February, 1958 and decided by its resolution No. 130 dated 18-2-1958 that the Administrative Body should consider the advisability of fixing a day by which the workers who did not agree to get the slip pasted on their identity cards, should be proceeded against by way of disciplinary action. These two resolutions were produced before me and I direct them to be kept on the records and marked as exhibits. Upon these facts, it is obvious that the decision arrived at on the 31st October, 1958, even if defective as a formal decision of the Administrative Body, has been adopted by the Board ever since the 14th November, 1958, if not directly then by implication. By its resolution dated 2nd July, 1959 it has explicitly adopted the same With effect from the date when the decision had been originally taken. The resolution dated 2nd July, 1959 specifically states about the pasting of the slip

on the identity card and the nature of the entries that are to be made on the slip. Consequently, such an operation is now fully authoritative and must be followed. In view of this resolution it is no longer possible for the Court to command the respondents not to insist on such slips being pasted on the identity cards, which after all is in substance the order asked for in this application. A great deal of argument has been advanced on the point that such a resolution could not be retrospective. As I have pointed out above, it is wholly unnecessary to decide this aspect of the question. If in the past, any worker has by some act or omission of the respondents, suffered damages, then he can take such steps as he likes, to enforce his legal remedy. This application cannot be turned into a declaratory suit or one for ascertainment of damages. In my opinion, the substance of this application is to get an order commanding the respondents not to compel the petitioners to get a slip pasted on their identity cards, and not to make certain entries therein, e.g. use of the letter 'G' as a pre-fix of the gang number, or characterise certain workers as 'gang workers', it being alleged that there was no such class of workers under the Scheme. For the reasons aforesaid, this part of the application must fail. Before concluding I must once more repeat that I was utterly unable to understand during the whole course of the proceedings as to why this application was at all made. As I have said, to my repeated queries upon the point as to what prejudice the workers have suffered by reason of the pasting of the slip, or the use of the pre-fix 'G', or in calling the workers who work in gang as 'Gang workers', no answer whatever has been given. In my opinion, no answer exists. I am compelled to say that a large number of workers, hundreds of whom have flocked into my Court during the hearing of this application and have watched the proceedings with anxious faces, have been sadly misled, and if they have lost anything like the fantastic sum that has been mentioned, all I can say is that somebody somewhere has been guilty of that great crime, namely, the exploitation of the ignorant. I have to record it with regret that there is nothing that I can do about it in this application.

12. For the reasons aforesaid this application must fail. The rule is discharged. Interim orders, if any, are vacated. There will be no order as to costs.

