Rukia M. Utope

v.

Principal Secretary, Ministry of State, Women and Children[1]

Kannonyele, J.

This is an application for prerogative orders of certiorari and mandamus, plus costs and any other relief as the court may deem just and proper to issue. The applicant, one Rukia M. Utope prays for the court to order the respondent, the Principal Secretary of the Ministry of State, Women and Children Affairs to bring into the Court for it to be quashed namely, the order dismissing the applicant from her employment. It is further that the respondent be ordered to reinstate the applicant in her employment with a further order that she be paid all her entitlements otherwise denied to her during the period of purportedly unlawful dismissal from employment, plus costs and any other reliefs as the court may order in the manner as herein earlier stated. In the chamber application the applicant pleads against the respondent acts *ultra vires* failure to act judicially, breach of natural justice, abuse of authority, bias and unreasonability and unconstitutionality.

The applicant averred in paragraph 3 of her affidavit that she was an employee of the Revolutionary government of Zanzibar since 1981 up to December 1997 when she was unlawfully dismissed following suspension with effect from 4th December, 1997. Her suspension was allegedly on the ground that the Ministry had information she had intended to cause chaos at work when one Juma Duni was declared a successful candidate in a bye-election in the Mkunazini constituency of the House of Representatives, Zanzibar. She produced copy of the letter suspending her services with the government of Zanzibar. This is annexe A to her affidavit. The applicant further stated in paragraph 4 of her affidavit that prior to the receipt of the suspension letter, no charges nor any accusations or allegations whatsoever were laid against her highlighting her alleged misconduct as per annexe A (supra).

In paragraph 5 of the affidavit the applicant further complained that the letter of suspension was served on her during the small hours of work on 4/12/1997. Yet, she was required to

[1] High Court of Zanzibar at Zanzibar, Miscellaneous Civil Application No. 15 of 1999. Kannonyele, J.

present her statement of defense the following day on 5/12/1997 which she contends to be too short for one to respond to such serious allegations. Hence the allegation of unreasonableness against the respondent. In paragraph 6 of the affidavit it is deposed that the letter of suspension is also vague and defective and therefore of no effect in law for default to disclose the grounds for the suspension other than making the bold but unqualified statement thereof.

Paragraph 7 of the affidavit further avers that despite the time constraint, she countered the grounds of the suspension as baseless and unfounded unless and until more details were clearly disclosed. She demanded for same as to that 6 effect. She filed as annexe B to the affidavit copy of her letter in reply to the suspension notice. In paragraph 9 of the applicant affidavit it is further averred that rather than receiving details of her alleged misconduct calling for her suspension as she demanded, she received the letter annex C to the affidavit which finally dismissed her from her employment with loss of all her terminal benefits. It is there contended in that regard that she has been denied the right to know the grounds and evidence of her alleged misconduct warranting her dismissal from employment. Further and or in the alternative, this is contended to be evidence of absence of the purported evidence and grounds warranting her dismissal suggesting it was unreasonably and or politically motivated.

The applicant further stated in paragraph 10, of her affidavit that she tried to appeal to the minister against the dismissal by the principal Secretary of the Ministry copy of the letter of appeal is annexe D to the affidavit. She received no response from the Minister. She brought the matter to Court for legal remedy after duly complying with the requirement as per section 60 of the Civil procedure Decree (Cap.8) as it is amended by Act 5 of 1995. She believes that the dismissal is unlawful general as much as it is unconstitutional.

In a counter-affidavit deponed by one Jeuri Kassim Ramadhan said to be Director of Planning of the respondent Ministry, paragraphs 1, 3 and 12 of the applicant's affidavit are admitted. The rest of the paragraphs of the applicants affidavit are relevantly traversed seratim on the material of what they respectively state. Sub-stantially, Jeuri generally deponed in his affidavit that there was sufficient evidence establishing the applicant's misconduct at work depicting her political affiliation contrary to government regulations and terms of her employment since multipartism was introduced in the country. Equally, Jeuri contends in his affidavit that not only is there sufficiency of the grounds for the dismissal but also prior warnings thereto referring to annexes A and C to his affidavit. In addition to annexes A & C

to the affidavit by Jeuri for the respondent, there is also annexe B which, like the others, was intended to show the applicant's alleged misconduct and prior to the steps taken to justify her dismissal. Finally, on the Minister's failure to respond to the applicant's appeal against the dismissal, it is deponed that the appeal had no substance of merit calling for the Minister's response thereto.

In submissions at the hearing, Mr. Awadh, learned advocate for the applicant referred the court to the case of **Sanai Mirumbe & Another** now reported at [1990] TLR 54 which case was earlier quoted with approval by this court in **Palm beach Inn & Another v. Commissioner for Tourism & Two Others**. Misc.Misc. Application No. 30 of 1994 (unreported). Also cited was another case of this same court, **Hamisi Ussi Hamadi & Another v. Principal Secretary Ministry of Education**. Misc. Application No. 45 of 1995 (also unreported). The two cases as cited here relate to the requisite conditions for the issue of the prerogative orders of certiorari and mandamus respectively. Mr. Awadh further argued that the Principal Secretary acted in excess of his powers by unsurping upon himself both prosecution of the allegations against the applicant as well as judging same. It was submitted that this also constituted unjudicious process by the Principal Secretary. So much the more was the failure to lay formal charges against the applicant as well the denial to give her an opportunity to be heard in defense, including giving evidence if she had any. Hence breach of natural justice, abuse of power as much as it is unconstitutional by interference of the right to work as provided under article 21(3) of the Constitutional (Zanzibar), 1984. Finally, Mr. Awadh submitted that the Principal Secretary acted most unreasonably by denying the applicant ample time to prepare her defense even for the much baseless and vague allegations made against her.

In conclusion of his submission Mr. Awadh learned advocate also raised his fear in relation to an apparent conflict between the constitution (article 4) and section 5(1) of the Security of Employment Act, (Supra) as to who has the power to dismiss a Civil servant from employment between the Civil Service Commission on the one hand and the Minister or Deputy Minister on the other. He argued, however, that the Constitution enjoys; supremacy in such cases of conflict as the one he raised here.

On his part, Mr. Ali Hassan, the learned State Attorney who represented the respondent in this case first argued against the prayer against the prerogative order of mandamus saying the application is incompetent in that the applicant of the Act, No. 1 of 1988 i.e. to appeal to the Civil Service commission before she came to court. In this regard Mr. Hassan learned caused

cited fan unreported case, Mwanza Misc. Case No. 3 of 1987 between **Mwanza Restaurant et, al vs. Mwanza Municipal Director**. However, counsel did not produce copy of the cited authority for case or reference.

Mr. Hassan also argued that the letter annexe a to the applicant's affidavit was sufficient to serve as a disciplinary charge under section 6(2) of the Act, No. 1 of 1998. He further argued that the fact that he managed to file the letter annexe A to his affidavit was in itself evidence that she was afforded with ample opportunity of being heard in defense. On unconstitutionality of the dismissal, the learned State Attorney argued that individual rights guaranteed to citizens under the constitution were subject to limitations citing article 24(1) of the Zanzibar constitution and article 30 of the union Constitution.

The foregoing submission notwithstanding, the learned State Attorney conceded that the particular act words or conduct allegedly committed by the applicant so as to warrant her dismissal had never been specified by her accusers such that he as attorney of the respondent had sought audience with the Principal Secretary or the Minister for clarification in that regard which, however, was not availed to him. Counsel therefore asked court to invoke its judicial powers and discretion to summon the respondent in person to come to court to make the requisite clarification. Of course the prayer as to that effect was objected to by counsel for the applicant arguing that the same was at the root of this proceedings. I indeed rejected the request which in effect amounted to an application to adjourn in order to enable the respondent to come and supply for the deficit which is indeed at the very root of the proceedings.

Making his final remarks, Mr. Awadh submitted that an appeal to the Civil service commission as provided under section 10(4) of the Security of employment Act could not lie in this case on the ground that the decision complained of was not by the Minister after all but the principal Secretary. There is also the letter annexe D to the counter-affidavit which the applicant's counsel believes it came from the Civil Service Commission by virtue of which the learned advocate thought and submitted it would have been absurd for the applicant to appeal to that same commission which, by that letter, had recommended for her dismissal. Mr. Awadh also submitted in reply that it was incompetent for the respondent's counsel to aver for the first time from the bar that the decision in question was the Minister's own and that the Principal Secretary merely acted on behalf of the Minister. He also cited the signatory to the latter annexe C to the applicant's affidavit and paragraph 10 of the counter-affidavit being facts ante the proposition **pro tanto** as it now raised by the respondent's

counsel for the first time from the bar. He also emphasized that the failure or omission to disclose the actual conduct or words uttered and now considered as constituting her misconduct is the essence of the denial of a fair opportunity to defend. Finally, article 118(1) of the Zanzibar constitution was cited once again to emphasize the contention that there is no mechanism under the law for obtaining an alternative remedy other than through the court.

AI this juncture one may ask if there was need to protract the proceedings after the admission (in para Ii of the counter-affidavit) by Mr. Jeuri for and on behalf of the respondent Principal Secretary and also taking into account the concessions at the hearing by the respondents attorney that at the hearing by the respondents attorney that the particular words, acts or conduct which the applicant is accused of have not been diswherefore he had sought for clarification for the principal Secretary which, however, was not availed to him, prompting him (the attorney) to ask the court to use its power to summon the respondent in person to come and require him to supply for the defect. The admission and the concession as stated necessarily refer us to para 12 which is admitted as per para II of the counter-affidavit to see what it is that was actually pleaded in the said paragraph 12 of the applicant's affidavit. I will, for the avoidance of doubt, quite the said paragraph 12 of the affidavit by the applicant. The paragraph states:-

> "12). That after the expiry of 60 days notice I consulted my lawyer, Mr. A.A. Said who adviced (sic) me that the Dismissal Order was unlawful and a breach of my constitutional rights and the only remedy at our disposal is to apply for prerogative powers of the court as the custodians of the constitutional rights of the citizen"

We see from the averments here that the applicant actually pleads four matters there namely:-

(a) that she had complied with the legal requirement under section 60 of the Civil Procedure Decree to seek fiat from the Attorney General before filing the application;

(b) that the dismissal order is unlawful; and

(c) unconstitutional; and

(d) that remedy is only by prerogative order of the court.

It is these four matters which Mr. Jeuri Kassim Ramadhani admits in paragraph II of the counter-affidavit. In my opinion, the admission in the last three items namely, that the

dismissal is unlawful, unconstitutional and that the only remedy against the malfeasance is to apply for prerogative orders by the court is decisive and also conclusive to the prayers made in the application. If Mr. Jeuri deponing for and on behalf of the respondent admits that the dismissal is both unlawful and unconstitutional and that the only remedy possible is by prerogative orders of the court, in effect it is a statement that in fact they are not contesting the application but rather conceding that in the circumstances the applicant is entitled to the prerogative orders of the court just as she has prayed for same. It is possible the deponent was somehow unatentive and thus make the counter-affidavit somehow inadvertently. Yet, it is an admission all the same and given the circumstances as they obtain in this case, I think I am not entitled to read the admission otherwise than what it states in its face value. It follows therefore that it may be just proper to say that it was needless to protract the proceedings as much as we have. One could have summarily disposed of the respondent. However, because of the importance and seriousness of the prayers sought, I thought I should deal with the matter with a little more details than just dispose it summarily.

Now, the law on certiorari, and mandamus is ably stated by the applicant's counsel and generally supported by the respondent's attorney. It is only the application of those trite principles of law which has normally been a source of complications and the subject many a controversy. For the avoidance of doubt, however, I will briefly restate the law as hereunder: Beginning with certiorari, the authorities have repeatedly stated that this prerogative order can issue by the High Court when and if it is intended to quash proceedings and or decision of a lesser jurisdiction, be it a court of law, tribunal or a public authority. The prerogative jurisdiction of certiorari, as it is for any other prerogative order, is a discretionary jurisdiction. For certiorari, the jurisdiction gives power to the court to investigate the proceedings and decision of the lesser jurisdiction to see whether in coming to its decision, the subordinate court, tribunal or public authority has taken into account what it ought not to have taken into account or in the alternative that it has not taken into account what it ought to have taken into account. In certiorari, the High court also investigates to see if the lesser jurisdiction acted in excess of its jurisdiction or with no jurisdiction at all. It is this which has various been described as **ultra vires** in legal parlances. Also in certiorari the High Court investigates to see if the decision reached is patently unreasonable that no reasonable authority or tribunal could ever do so. Illegality of the procedure or decision is another aspect of the proceedings that the High court would take into account whether to issue or not to issue the prerogative order of certiorari.

Lastly, albeit not the least of all, breach of the rule of natural justices is another thing that the High Court investigates in certiorari proceedings. Pertinently in this regard is the principle that where a public authority or tribunal is acting judicially, it is like a court of law, subject to the principle that no one shall be judge in his own cause. This is differently said to be the rule against bias. Natural justice also militates that the proceedings against the defendant shall and must be made **bona fides** (in good faith) as opposed to **mala fides**. Natural justice also presupposes that each party to the issue must be given an opportunity of knowing the case against him, and of stating his own case, before he is condemned, and of being defended by counsel, if he wants so to be.

However, it is important to note that in certiorari the High Court is not sitting on appeal over decisions of the lesser jurisdiction. Rather, it is merely invoking its judicial discretionary powers to supply for defects of justice and for the protection of denied or delayed fundamental freedoms and rights of the citizen in the appropriate cases. And the court may issue the prerogative of certiorari if one only of the reasons stated is established that it exists from the facts. It has been held many a tune in the past, (and as pointed out earlier, counsel for the respondent argued in this case particularly against the application for the order of mandamus), that the application for prerogative orders is incompetent where there is an alternative mechanism for remedy such as an appeal against the decision which is being complained of. All I can say on this is that although the availability of alternative remedy (such as appeal) is a relevant factor that the High Curt take into account in determining whether to exercise its prerogative powers and issue or not to issue order thereunder, it is not necessarily a bar against same. I am presently satisfied that with the passage of time the courts have severally held with approval, one after the other, that taking the availability of alternative remedy as necessarily precluding the issuance of prerogative orders is now absolute law and a matter of the past to be discarded in appropriate cases. Currently it should be possible, depending on the circumstances and merits of each individual case, for the court to exercise its discretion under prerogative powers and issue or ____ars where appropriate to supply for defects of justice as the merits or demerits of each would militate. See **REFAZAL KASSAM MILLS LTD [1960]** E.A. 1002 at pp 1005 and 1007; **SHAH VERSHI & CO.LTD. v ULINZI WA USALAMA** [1983] T.L.R. 375.381-383. I am therefore settled in my mind that the law as it currently generally obtains from the authorities is that as stated in Shirima case that:-

> … the existence of a right of appeal (read existence of 'alternative remedy') and even the existence of an appeal itself, is not necessarily a bar to the issue of prerogative orders. The matter is one of judicial discretion to be exercised by the court in the light of the circumstances of each particular case. Where an appeal (read 'alternative remedy') has proved ineffective, and the requisite grounds exist, the aggrieved party may seek, and the court would be entitled to grant relief by way of prerogative orders …

That is as far as it goes about certiorari and prerogative orders generally.

Speaking specifically of conditions for mandamus, the essential prerequisites are as follows:-

1. Existence of a public legal rights;
2. The right is owed to the applicant;
3. Unsuccessful demand for the right prior to the application for mandamus
4. The right owed from the defendant or respondent;
5. The application is made in good faith;
6. Absence of, or ineffective alternative remedy;
7. Remedy sought must be capable of enforcement.

In the instance case, the applicant has averred that she has been dismissed from her employment without being told what her actual misconduct is that warrants her dismissal. She said she tried to demand from the Principal Secretary who, according to the documents supporting the application, purported to act on her/his own capacity although at the hearing it was stated in submission by the respondent's attorney that the latter was acting on behalf of the Minister. The material documents are letters Ref. NAA/NBA/R:00097/C/22 dated 4th December 1997 which is annexe A to the applicant's affidavit and annexe C to the respondent's counter-affidavit. This is the letter which suspended the applicant from her employment. The only assertion which can be said to be close to depicting or disclosing the grounds for the applicant's suspension from employment contained in that letter is the statement which I quote hereunder, namely that:-

> *"Wizara inayo habari kwamba siku ya Jumatatu, tarehe 01/12/1997 mnamo kati ya Saa 4.30 na 5:00 za asubuhi, ulitoka katika sehemu ya kazi na kwenda katika ofisi nyingine kwa lengo*

la kufanya fujo za kisiasa baada ya kutangaziwa kwamba Nd. Juma Duni mgombea wa CU ameshinda …..... kwa kutenda kosa la kuonyesha hisia za chuki, na kutoa maneno ya kashfa kwa Chama na Serikali iliyopo madarakani tendo ambalo lilitaka kuleta fujo wakati wa saa za kazi ....."

With respect, these words do not quite disclose the exact words used by the applicants or the particular conduct attributed to her which can be calculated as the actual misconduct warranting her dismissal. The particular words which the applicant uttered which are now taken as constituting her misconduct ought to have been disclosed not only to her but to the court in particular now that she complains of the failure by her accusers of disclosing her alleged misconduct. The applicant is entitled to know them in order to appreciate the nature of the accusations laid against her. So much the more for the court. We need to know the words so that we can assess their implications in social life to see if they constitute a disciplinary misconduct worth the punishment. So much the more of any other alleged misconduct other than words, there was any indeed. Unless the particular acts or words were disclosed, there is not way we can know what kind of acts, or failures or omissions to act which are now interpreted as constituting her misconduct which cost her employment.

The rights to know the accusations is one of the pillars of the rule of natural justice. It is enshrined in the principle of a fair trial. A proper hearing must always include a fair opportunity to the party to know the accusations against him or her, as the case may be. It is only then that he or she can contradict or correct those accusations because unless one properly understands the nature of the accusations against him, he cannot stand in their defense or to correct them of anything in such accusations which is prejudicial to his interests. As Lord Denning once stated:

"…..if the right to be heard is to be a real right which is worth anything, it must carry with it a right in the accused man to know the case which is made against him. He must know what evidence has been given and what statement have been affecting him. He must know what evidence has been given and what statement have been affecting him: and then he must be given a fair opportunity to correct or contradict them: *Kanda v. Government of Malaya* [1962] A.C. 322."

That was a case in which the authority, a superior officer had possession of a board report of misconduct against a police officer but that report was not availed to the particular police officer himself. The police officer was dismissed from employment but the dismissal was declare null and void because of the denial to the police officer to have access to the adverse report against him. In this matter, the applicant was not informed the exact nature of the accusations against her. When she demanded for the details, she got the dismissal. This was against the rule of being heard. Hence against the rule of natural justice which is not only fundamental but also a constitutional right which she was denied before being deprived of her employment. If the employers thought or probably still think the information divulged so far was sufficient disclosure of the alleged misconduct, we say it was vague; ambiguous and therefore insufficient for that reason.

The other letter, Ref. No. NAA/NBA/R 00097/e/16 dated 16th March 1996 which is annexe A to the respondent's counter-affidavit was no better either. To the extent that it is material herefore, that letter stated, and I quote as follows, namely:-

> *Wizara bado inapata taarifa kuwa bado unaendelea kujihusisha na mazungumzo ya siasa wakati ukiwa ofisini ... unapojaribu kuweka kikundi na kuzungumza siasa kuna hatari kufikia jazba za kisiasa na kusahau wajibu wako kama mtumishi wa UMMA.*

With even greater respect, this is not sufficient either to make quite understand or appreciate the exact kind of misconduct which is being alleged against him. It is not sufficient merely to assert that one was indulging in political discussions during working hours without disclosing the exact words which she used. The exact words uttered ought to have been disclosed which, however, they were not. Now that they were not, we are denied to make out own assessment to see how politically venomous the words were, if at all. It is the more worse for the applicant who was not afforded with sufficient information about what to defend against. Not only ought the words to have been disclosed but also the hour and place at which they were uttered as it is being alleged. This dealt a serious blow to the respondent's case. See also Tudor Jackson: *The Law of Kenya*, 1st Edn. (1970) at p. 80 citing with approval *D'souza v. Tanga Town Council* [1961] E.A. 377.

The applicant had also pleased and complained of ultra vires in the dismissed. According to section 4(9) of the Security of Employment Act, No.1 of 1988, the Principal Secretary may only recommend dismissal of a civil servant to the Minister who, together with his/her

deputy, have the power to dismiss the servant under section 5(1) of the Act. The Principal Secretary, it is clear, and here I respectfully concur with the applicant and her counsel, has no power to dismiss in his/her own capacity. However, according to the letter annexe C to the affidavit by the applicant (supra), the person who signed that letter dismissal signed it purportedly on behalf of the Principal Secretary of the Ministry. This was double usurpation of the Minister's powers of dismissal as provided under section 5(1) of the Act. It was double usurpation of the powers of the Minister for it is not even the Principal Secretary in person who signed the letter of dismissal. This, therefore, was ultra vires per se, someone who is not even the Principal Secretary himself usurping powers of the Minister to dismiss a civil servant under the Security of Employment Act (supra).

But even where the Minister or his/her deputy themselves execute the power to dismiss a civil servant, they can only do so, legally, only upon consultation with the Management Council of the Ministry as provided under section 6(1) of the Act, No.I of 1988. Unless the Minister has duly consulted with the management council, any purported dismissal without it would be unprocedural and, therefore, invalid and of no effect for want of proper procedure as prescribed by the law. For the Ministers powers are not inherent but only conferred on him by statute. Hence the statutory provisions must be adhered to most strictly. Contrary to this the dismissal would be ultra vires for this other reason of non-adherence to procedure as provided under the law. In this case even assuming it was the Principal Secretary himself who had signed the letter and so with leave of the Minister indeed, there is still lacking evidence of there having been some consultation between the Minister and the Management Council before invoking the powers to dismiss the applicant. The letter annexe B to the counter-affidavit is incompetent to take the place of such consultations. Hence not only had the purported Principal Secretary exceeded his/her powers under the law, there was also this other question of unprocedurality to defeat the process. A fortiori failure to frame a charge as provided under section 6(2)(I) of the Act, No. 1 of 1988, and the denial to reply and defend (section 6(2)(ii), and non-compliance of section 6(2)(iii), all these constituted serious therefore fatal procedural irregularities in themselves very capable of defeating the Ministers act even where there was evidence indeed to establish any alleged misconduct.

Yes, indeed, it is also my view that the way the applicant was dealt with from the very beginning up to dismissal cannot be termed otherwise than abuse of authority just as much as it is unreasonable.

It was also unconstitutional citing article 118(I) of the Constitution of Zanzibar, 1984 which stipulates that the Civil Service Commission shall be the sole authority vested with the power to penalise and remove a civil servant from service. It was thus submitted that the Security of Employment Act is unconstitutional to the extent that it purports to vest upon Minister and their deputes the power to dismiss civil servants from their employment contrary to the clear constitutional provisions as provided under articles 118(1) & (2) of the constitution. I respectfully concur with this. Yes Section 5 of the Security of Employment Act, No. 1 of 1988 is unconstitutional to the extent that it purports to give to other authorities other the Civil Service Commission power to execute disciplinary penalties, including the power to dismiss a civil servant contrary to the very clear provisions of the Constitution. Article 4 of the Constitution provides that when and statutory provision conflicts with those of the Constitution, the latter shall prevail and that to the extent of the conflict, the provisions of that other statute shall be null and void and, therefore, of no effect. Hence to the extent that it conflicts with the Constitution in vesting disciplinary servants from their employment to other authorities other than the Civil Service Commission, the Security of Employment Act is, to that extent, hereby declared to be null and void for unconstitutionality and, therefore, of no consequence. It is ordered that the Act, No. 1 of 1988 (supra) shall be amended in section 5 and everywhere so as to delete from it the provisions to the extent as it purports to confer on Minister of State and their deputies et. al. Power of dismissal and general disciplinary action over civil servants contrary to the clear provisions of 118(1) & (2) of the Constitution which vests such powers on the Civil Service Commission alone. Unless and until the legislature itself latter sees fit to amend either the Constitution itself or the Act (supra) in any other manner as to it deemed proper, the Constitution as the most supreme law of the Land shall prevail over provisions of the Act in the manner as hereinabove and as is hereby once more ordered. It is so held.

In the ultimate result, it is here once again stated, as I have sufficiently demonstrated above, that this court is satisfied that the applicant's dismissal was invalid for a number of reasons as I have indicated. The same cannot be sustained with such anomalies and irregularities as I have sufficient demonstrated. The same is once more hereby declared to be a nullity and of no effect for the reasons as stated. Accordingly, the letter and the order which purports to dismiss the applicant from her employment is hereby quashed and the Minister and his/her principal Secretary, as the case may be are hereby ordered forthwith to reinstate the applicant with all her fringe benefits intact as if nothing had happened as indeed there legally was not

nor has ever been any. For the avoidance of doubt, it is hereby ordered that the Principal Secretary shall forthwith reinstate the applicant and restore her back into her office and pay her all her unpaid salaries within two months from the date of this ruling failure to which would constitute contempt of court and its natural consequences. Execution procedures also may issue, including conviction and punishment for contempt of court as stated. It is so ordered. However, I make no orders as to costs.