

**IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA.**

CA (Writ) 670/10

Don. Gamini Dissanayake,
No. E/11 /C,
Sri Wickrama Mawathe,
Mattakkuliya,
Colombo 15.

Ranuluge Shelton Fonseka,
No.343/3,
Nagahawela Road,
Kotikawatta.

Petioners

- Vs-

Urban Development Authority,
6th Floor,
"Sethsiripaya",
Battaramulla.

The Chairman,
Urban Development Authority,

Director General,
Urban Development Authority,

Deputy Director General,
Urban Development Authority,

All of

Urban Development Authority,
6th Floor, "Sethsiripaya",
Battaramulla.

Respondents

Before : **S. Sriskandarajah, J P/CA**

Counsel : A.M.L. Amarasinghe with N. Malkumara
for the Petitioner.

Argued &
Decided on : 15.02.2013

S. Sriskandarajah, J P/CA

The petitioners in this application were employed by the 1st respondent as Project Coordinating Officers from 18.10.2005. They were appointed on contract basis and the salary stipulated is Rs. 10,000/- per month. When the petitioner came to know that the other officers who are placed in the similar position drawing a higher salary, they made representation to the 3rd respondent and the 3rd respondent after consideration placed the petitioners also on the same salary scale that was drawn by the other officers who are holding the same position in the said authority. This decision was approved by the board and came in to effect from 01.08.2008. The respondent also decided that the arrears of salary from 2005 to 2008 should not be paid to them. The petitioners sought the intervention of the Human Right Commission for the said arrears and the Human Right Commission has recommended for the payment of said arrears. The petitioner in this application is seeking a writ of mandamus to implement the said recommendation. A writ of mandamus will lie when the petitioners have a

legal right and there is a corresponding statutory duty on the part of the respondent to perform the said duty. In the instant case the petitioners have got only a recommendation from the Human Right Commission for the payment of arrears. This will not create a legal right for the Petitioners to claim the arrears and at the same time the respondent does not have a corresponding legal duty to pay the said arrears. In these circumstances, this court dismisses this application without costs.

President of the Court of Appeal

Na/-