

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

CA (Writ) 46/2013

Basnayake Mudiyanseelage Kithsirimal Thilaka,
No. 54/8,
Nikatenna Road,
Mailagastenna,
Badulla.

PETITIONER

Vs.

Director General of Health Services,
Ministry of Health,
385,
Ven. Baddegama Wimalawansa Thero Mawatha,
Colombo 10.

And 11 Others

RESPONDENTS

CA (Writ) 46/2013

BEFORE : S. Sriskandarajah, J. (P/CA)

COUNSEL : Sanjeewa Ranaweera for the Petitioner.

ARGUED &
DECIDED ON : 11.03.2013.

S.Sriskandarajah, J. (P/CA)

Heard Counsel for the Petitioner. Counsel for the Petitioner in this application is seeking a writ of certiorari to quash a charge sheet issued on 31.07.2012 marked P7. The charge sheet is issued under the Establishment Code and any challenge on the authority to issue charge sheet or any irregularity on the charge sheet has to be raised before the inquiring officer in the 1st instance and if he makes an order or he fails to make an order the petitioner according to law could appeal to the Public Service Commission. But in this instance Petitioner has not sought the intervention of Public Service Commission but he is seeking a writ of certiorari to quash the said charge sheet. As the petitioner has an alternative remedy by way of challenging any jurisdictionally issue before the PHC and as he has not sought

that alternative remedy he is not entitled to challenge the same in this Court. As such this court refuses to issue notice on the Respondent.

PRESIDENT OF THE COURT OF APPEAL.

NR/-