

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

CA (WRIT) 347/2010

1. Helamba Arachchige Don Padmasiri
Government Surveyor,
70 A, Galahitiyawa,
Ganemulla.
2. Jayamaha Hitihamilage Nimal Piyasiri Wijerathne,
Government Surveyor,
321/ B, Ihalagama,
Madampe.

PETITIONERS

Vs.

1. The Surveyor General,
Surveyor General's Office,
Kirula Road,
Colombo 05.
2. The Secretary,
Ministry of Land,
Govijana Mandiraya,
80 / 5, Rajamalwatta Lane,
Battaramulla.
3. The Secretary,
Public Service Commission,
356-B, Galle Road [Carlwil Place],
Colombo 03.

RESPONDENTS

CA (WRIT) 347/2010

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

Counsel : S.S. Sahabandu for the Petitioner.

M.N.B. Fernando DSG for the Respondent.

Argued &

decided on : 29.05.2013.

S. Sriskandarajah, J. (P/CA)

Learned DSG brings it to the notice of Court that the 2nd Petitioner who is seeking a Mandamus from this Court to direct the Respondent to permit the retirement of the Petitioner is now being granted by the Public Service Commission. This was communicated by letter dated 02.08.2012 addressed to the secretary to the Land Ministry, the retirement was with effect from 02.01.2012. The 1st Petitioner is also seeking the same relief, the 1st Petitioner's request was pending before Public Service Commission. The Public Service Commission has yet to make a decision. In view of this, this court cannot consider this application in view of the Provisions contained in Article 61(a) of the constitution. In view of the above this application is pro-forma dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

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