

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

**CA Writ Application No: 309/13**

1. Sumathipala Pituwala Withanage.  
The President,  
All Ceylon Railway Employees' General Union,  
78/6, Union House, Bastian Mawatha, Colombo 11.
2. Sumathipala Manawadu.  
Secretary,  
All Ceylon Railway Employees' General Union,  
78/6, Union House, Bastian Mawatha, Colombo 11.

**Petitioners**

**Vs.**

1. Sri Lanka Railways.  
D.R.Wijewardena Mawatha, Colombo 10.
2. B.A.P. Ariyaratne.  
General Manager of Sri Lanka Railways,  
Office of General Manager, Sri Lanka Railways,  
D.R.Wijewardena Mawatha, Colombo 10.
3. T.A.A. Jayawansa.  
Chief Accountant of Railways,  
Chief Accountant's Department, Sri Lanka Railways,  
D.R.Wijewardena Mawatha, Colombo 10.
4. Dhammika Perera.  
Secretary, Ministry of Transport and Highways,  
D.R.Wijewardene Mawatha, Colombo 10.
5. W.O. Somadasa.  
Director Establishment,  
Ministry of Public Administration and Home Affairs,  
Independence Square, Colombo 07.

**Respondents**

**C.A WRIT APPLICATION 309/2013.**

**BEFORE:** ANIL GOONERATHNE, J &  
MALANIE GUNARATNE, J.

**COUNSEL:** Kaushalya Perera wkhith Chandani Munasinghe for the  
Petitioner.

**ARGUED &  
DECIDED ON :** 13.01.2014.

**Anil Goonerathne, J.**

An application is made by Ms. Chandani Munasinghe counsel who appears for the Petitioner to support this application on a subsequent date and informs court that senior counsel is not in the Island and for that reason wish to support this case on a subsequent date.

This court having perused the docket finds that this matter was originally to be supported on 21.10.2013. On that date an application was made to support this application on 04.11.2013. Even on that date this application was not supported. As such this court re-fixed the matter for support on 08.11.2013. On that date counsel having supported the matter moved for time to verify certain questions posed by this court. This court allowed that application and re-fixed the matter

for support on 06.12.2013. When this matter came up for support on 06.12.2013 an application was made on behalf of counsel to have this supported on a subsequent date. The journal entry of 06.12.2013 it is recorded that the matter is to be mentioned for support today 13.01.2014 finally.

This court is of the view that Petitioner has failed to exercise due diligence and support this application. At least on four occasions this matter had come up before this court but no meaningful steps have been taken to support this application. This court has no alternative but to reject this application. It is also brought to the notice of court that the Petitioners are also not present in court. Application to re-support this application is refused and rejected. Application dismissed. No costs.

**JUDGE OF THE COURT OF APPEAL**

MALANIE GUNARATNE, J.

I agree.

**JUDGE OF THE COURT OF APPEAL.**

Vkg/-