

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

**CA WRIT 135/2017**

Wathukarage Rohana Kumarasiri Gunaratne  
"Ramya Sandella"  
Munagama,  
Horana.

**Petitioner**

**Vs.**

1. National Transport Commission  
241, Park Road,  
Colombo 5.

2. M. A. P. Hemachandra  
Chairman,  
National Transport Commission  
241, Park Road,  
Colombo 5.

**Respondents**

**Court of Appeal case No. CA 135/2017 Writ****Before** : L.T.B. Dehideniya J, (P/CA)

&amp;

A.L.S. Gooneratne J,

**Counsel** : Thishya Weragoda with I. Seneviratne for the Petitioner.**Decided on** : 03/08/2017**A.L.S. Gooneratne J,**

This is an application seeking the grant of a mandate in the nature of a writ of Certiorari to quash the decision of the 1<sup>st</sup> Respondent to transfer the Petitioner from the Administration Division to the Finance Division of the 1<sup>st</sup> Respondent Commission, contemplated in terms of document A 9 (a) and the transfer of the Petitioner from the Finance Division to the Bastian Street Office as contemplated in document A 11. Further relief has been sought to the grant of a mandate in the nature of a writ of mandamus compelling the 1<sup>st</sup> Respondent to re transfer the Petitioner to the Administration Division or to any other Division as seen suitable with the competencies of the Petitioner.

Heard Counsel for the Petitioner in support of the application.

It is observed that according to a new service minute of the 1<sup>st</sup> Respondent Commission, the Petitioner and several other Executive Officers in the Grade IV category, have been placed in the Management Assistant (MA-4) salary scale. Since the service minute had not taken in to account the status of the Petitioner and the said Executive Officers, a fundamental rights application has been preferred to the Supreme Court to quash the said decision.

The Petitioner's grievance is that the attachment in terms of document marked A 9 (a) and A 11, has not given the petitioner the due recognition of his educational background, capacity and competence.

Document A 9 (a) refers to the attachment of the Petitioner and the other Executive Officers to various departments within the 1<sup>st</sup> Respondent Commission with effect from 26<sup>th</sup> December 2016.

As noted earlier the Petitioner is before the Supreme Court seeking relief to quash the decision of the 1<sup>st</sup> Respondent regarding the placement of the Petitioner and other Executive Officers in the Management Assistant (MA-4) category.

By letter dated 28<sup>th</sup> March 2017, marked A 11, the Petitioner is informed to report for duty at the Bastian Street Office of the 1<sup>st</sup> Respondent Commission. A 11 has no reference to a work description entrusted to the Petitioner. By the said letter the Petitioner has been informed the place of transfer, with effect from 1<sup>st</sup> April 2017.

Therefore, we are of the opinion that this court should not interfere with the internal attachment of the Petitioner contemplated in documents marked A 9 (a) and A 11 which would arise out of necessity, to the functioning of the 1<sup>st</sup> Respondent Commission. In the circumstances the Petitioner would not be entitled to any relief prayed for in the petition.

Accordingly refuse notice and dismiss without costs.

JUDGE OF THE COURT OF APPEAL

L.T.B. Dehideniya J, (P/CA)

I agree.

PRESIDENT OF THE COURT OF APPEAL