

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

In the matter of an Appeal to Court of
Appeal under Article 154 P (6) read with
Article 138 of the Constitution against a
judgment of Provincial High Court
exercising its writ jurisdiction.

C A (PHC) / 14 / 2010

Provincial High Court of

Sabaragamuwa Province

holden at Ratnapura

Case No. W A 60 / 2008

Dimiyawa Mudiyanseelage Dingiri

Mahaththaya,

Millagahawaththa Road,

Goraka Ela,

Dodampe.

PETITIONER - APPELLANT

-Vs-

1. Ratnapura Multi Purpose Co-

Operative Society Ltd.,

No. 27,

Inner Circular Road,

Ratnapura.

2. Co-operative Employees

Commission,

New Town,

Ratnapura.

RESPONDENT - RESPONDENT

Before: K K Wickremasinghe J

P. Padman Surasena J

Counsel; K Maddumage for the Petitioner - Appellant.

Chathura Galhena with Manoja Gunawardana for the 1st
Respondent-Respondent

Zuhri Zain SSC for the 2nd Respondent-Respondent.

Decided on : 2017 - 08 - 30

JUDGMENT

P Padman Surasena J

Learned counsel for all the Parties when this case came up on 2017-06-23 before us, agreed to have this case disposed of by way of written submissions, dispensing with their necessity of making oral submissions. They agreed that this Court could pronounce the judgment after considering the written submissions they would file. Therefore, this judgment is based on the material that has been adduced by parties in their pleadings and the written submissions.

The Petitioner- Appellant (hereinafter sometimes referred to as the Appellant) had filed an application in the Provincial High Court of the Sabaragamuwa Province holden at Ratnapura praying for a writ of

Certiorari to quash the letter dated 2007-05-07. That is a letter by which the 2nd Respondent-Respondent (hereinafter sometimes referred to as the 2nd Respondent) had informed the Appellant that the 1st Respondent – Respondent (hereinafter sometimes referred to as the 1st Respondent) had by letter dated 2007-03-20 confirmed that back wages for 09 months and gratuity had been payed to the Appellant by the 1st Respondent.

Further, the Appellant had also prayed from the Provincial High Court a writ of mandamus relating to the payment of back wages gratuity and delayed payment charges.

Perusal of the judgment dated 2010-02-24 pronounced by the learned Provincial High Court Judge shows that he has refused the application of the Appellant on the grounds;

- i. that the Appellant had not specified the person on whom the writ of Mandamus should be issued;
- ii. that the document **P 7 (b)** which the Appellant requests to be quashed does not contain any decision but only contains a mere reply to a letter providing thereby an already existing information;

- iii. that the Appellant had failed to tender a copy of the letter dated 2007-01-25 which is required for the court to form a view about the nature of the request of the appellant;
- iv. that in any case the Appellant had not demanded any of the reliefs prayed from Court, from any relevant authority before he filed this application in the Provincial High Court.

Despite the fact that it is against that judgment that the Appellant has filed this appeal in this Court, the written submission filed in this Court on his behalf does not submit, for consideration of this Court, any ground as to why the learned Provincial High Court Judge's conclusions should be quashed by this Court. Thus, this Court has to proceed on the basis that there indeed exists not a single ground for this appeal. Resultant position would be for this Court to conclude that this is a frivolous appeal, which has been filed without any justifiable reason.

On the other hand, this Court is satisfied after perusal of the judgment of the learned Provincial High Court Judge that the conclusions arrived at and the reasons given thereto by him are in order and thus requires no intervention by this Court.

In these circumstances, this Court affirms the judgment of the learned Provincial High Court Judge dated 2010-02-24 and proceed to dismiss this appeal with costs.

JUDGE OF THE COURT OF APPEAL

K K Wickremasinghe J

I agree,

JUDGE OF THE COURT OF APPEAL