

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

Mohamed Cassim Sathik,
No. 160/2,
Jinna Road,
Akkaraipattu 17.
Petitioner

CASE NO: CA/WRIT/327/2015

Vs.

J.J. Ratnasiri,
Secretary to the Ministry of Home
Affairs,
Independent Square,
Colombo 7.
And 6 Others
Respondents

Before: Mahinda Samayawardhena, J.
Counsel: Dr. U.L. Ali Zakky for the Petitioner.
Nirmalan Wigneswaran, S.C.C., for the
Respondents.
Decided on: 07.03.2019

Samayawardhena, J.

By the second amended petition, the petitioner seeks to issue a writ of certiorari quashing the interdiction letters whereby he was interdicted pending disciplinary inquiry, and also the proceedings of the disciplinary inquiry conducted against him up to that point; and to issue a writ of mandamus compelling the 1st respondent Secretary to the Ministry of Home Affairs to reinstate the petitioner in the post of Grama Niladhari.

Pending determination of this action, after the conclusion of the disciplinary inquiry, the petitioner has been reinstated in the post of Grama Niladhari by the 1st respondent by R10 dated 10.01.2016 subject to the transfer to a different Divisional Secretariat within Ampara District and subject to the following: (a) salary arrears will not be paid during the period of interdiction (b) three salary increments will be differed (c) Rs.30,000/= will be charged.

By paragraph 9 of the reply submissions dated 08.01.2019, the petitioner has stated that as he has been reinstated, he is not challenging the interdiction further.

The mandamus compelling reinstatement has also become redundant.

Then the remaining matter is whether he can pursue the other relief, i.e. the vague relief of quashing the proceedings of the disciplinary inquiry conducted until the filing of this application. In paragraph 14 of the counter affidavit, the petitioner has stated that he appealed against the said order marked R10 to

the Public Service Commission. That goes to show that the aforesaid remaining relief has no basis.

The contention of the petitioner seems to be that the disciplinary inquiry was not concluded within one year as per the circular marked P12. Nowhere in P12 does it state that the disciplinary proceedings become null and void unless it is concluded exactly within one year. It cannot be construed in that manner.

It is regrettable that the petitioner wanted to proceed with the application even after he was reinstated. His application at least from that point is baseless.

I dismiss the application with costs.

Judge of the Court of Appeal