

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

M. Upul Ajith Kumara,  
95/35A,  
Sumudu Place,  
Magamma,  
Homagama.  
Petitioner

**CASE NO: CA/WRIT/315/2015**

Vs.

Ceylon Electricity Board,  
50, Sir Chittampalam Gardiner  
Mawatha,  
Colombo 2.  
And 13 Others  
Respondents

Before: Mahinda Samayawardhena, J.  
Counsel: Pradeep Perera for the Petitioner.  
Suranga Wimalasena, S.C.C., for the  
Respondents.  
Decided on: 06.06.2019

Mahinda Samayawardhena, J.

The petitioner has filed this application against the Ceylon Electricity Board seeking to quash P9 by certiorari and restore him in the position which he was prior to P9 by mandamus.

It is my considered view that the reliefs prayed for by the petitioner are misconceived in law and therefore this application is bound to be dismissed *in limine* on that threshold ground alone.

The petitioner cannot straightaway come before this Court against P9 decision without first preferring an appeal to the Appeal Board as provided for in the Disciplinary Code marked P18. That is on the basic principle that when there is an effective alternative remedy writ does not lie.

The petitioner did in fact go before the Appeal Board and the Appeal Board did partly revise P9 decision by Appeal decision marked P13.

However the petitioner in these proceedings seeks to quash P9 which has receded to the background upon Appeal decision P13 being made.

What the petitioner shall challenge is not P9 decision but P13 decision.<sup>1</sup>

The mandamus sought is also redundant because if P9 is quashed, *status quo ante* would automatically prevail without any further order.

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<sup>1</sup> For instance, before the Supreme Court, a party shall challenge the Appeal Court decision and not the District Court decision.

Application is dismissed without costs.

Judge of the Court of Appeal