

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

*In the matter of an application for mandates in
the nature of Writs of Certiorari and a Writ of
Prohibition in terms of Article 140 of the
Constitution.*

CA /WRIT/339/2019

1. Locomotive Operators Engineers Union
No.7, T.B. Jaya Mawatha,
Maradana,
Colombo 10.
2. Yapa Pathirannahalage Samantha
Manjula Yapa,
Acting President
Locomotive Operators Engineers Union
No.7, T.B. Jaya Mawatha
Maradana,
Colombo 10.
3. Dodangoda Hewage Indika
Secretary
Locomotive Operators Engineers Uion
No.7, T.B. Jaya Mawatha
Maradana,
Colombo 10.

Petitioners

Vs.

1. Justice N.E. Dissanayake (Chairman)
2. A. Gnanathasn P.C. (Member)
3. G.P. Abeykeerthi (Member)
Administrative Appeals Tribunal
No.35
Silva Lane,
Rajagiriya.
4. Mr. Dharmasena Dissanayake,
Chairman

Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

4A. Hon. Justice Jagath Balapatabendi
Chairman,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

5. Prof. Hussain Ismail
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

5A. Mrs. Indrani Sugathadasa,
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

6. Mrs. Dhara Wijayatilake
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

6A. Mr. V. Sivagnanasothy
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

7. Dr. Prathap Ramanujam
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

- 7A. Dr. T.R.C. Ruberu
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

8. Mrs. V. Jegarasasingam
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

- 8A. Mr. Ahamod Lebbe Mohamed Saleem,
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

9. Mr. Santi Nihal Seneviratne
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

- 9A. Mr. Leelasena Liyanagama,
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.

10. Mr. S. Ranugge
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.
- 10A. Mr. Dian Gomes
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.
11. Mr. D. Laksiri Mendis
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.
- 11A. Dilith Jayaweera
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.
12. Mr. Sarath Jayatilaka,
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,
Battaramulla.
- 12A. Mr. W.H. Piyadasa
Member,
Public Service Commission
No. 1200/9,
Rajamalwattha Road,

Battaramulla.

13. M.A.B. Daya Senarathne
Secretary,
Public Service Commission
No. 177, Nawala Road,
Narahenpita,
Colombo 05
14. Mr. K.B. C. Bandara
No. 64/35,
Railway Housing Scheme,
Maithree Vihara Road,
Colombo 10.
15. Mr. R.M.B.P. Ratnayake
1/A/S1/U2,
Mihindusenpura
Dematagoda
Colombo 9
16. N.H. Disanayake
F40, Walpitamulla
Dewalapola.
17. H.G.S. Udayakantha
Udayawasa,
Polgasmandiya Road,
Kirinda,
Puhulwewa
18. H.W.A. Dayananda
No.163,
Raigama Road,
Dombhagoda,
Horana.
19. S.G.S. Premasiri
Ihala Kotte
Makehelwala

20. M.P.N. Karunathilake
Alawwa
Nawathalwatte.
21. M. Somaratne
No.14, Akkara 50,
Weluwana, Eheliyagoda
22. Sumith Gallage,
No. 6, C.P De Silva Mawatha
Kaldemulla, Moratuwa
23. S.M.I.W.M.C. Ilangakoon,
No.161/P,
Walaw Watte
Ihalagama,
Gampaha
24. H.S.J. Devadiththa,
No.23A, Thiharapitiya,
Gandessa.
25. T.M.A.S. Tennakoon
241/D4,
Edaduwawa,
Peradeniya
26. M.J.D. Fernando
General Manager of Railways,
General Manager's Office,
Colombo 10.
27. Hon. Attorney General
Attorney General's Department
Colombo 12
28. L.P. Jayampathy
Secretary
Ministry of Transport and Civil Aviation
7th Floor, Sethsiripaya Stage II,
Battaramulla

29. H.M. Gamini Senevirathna
Secretary
Ministry of Transport and Civil Aviation
7th Floor, Sethsiripaya Stage II,
Battaramulla

30. N.B. Monti Ranatunga
Secretary
Ministry of Transport and Civil Aviation
7th Floor, Sethsiripaya Stage II,
Battaramulla

Respondents

Before : Sobhitha Rajakaruna, J.
Dhammika Ganepola, J.

Counsel : Riad Ameen with Ishara Gunawardena for the Petitioners
Asthika Devendra for the 14th to 17th Respondents
Vikum De Abrew, ASG with Dr. C. Ekanayake, SC for the 4th to 13th
Respondents

Decided on: 22.09.2021

Sobhitha Rajakaruna, J.

The learned counsel for the Petitioners commenced his submissions on 22.03.2021 in support of this application seeking for an order for issuance of notice on the Respondents. All learned counsel concluded their submissions on 26.03.2021. Upon conclusion of oral submissions, the parties undertook to file written submissions. When this matter was mentioned on 19.07.2021 it was observed that almost two years had lapsed after filing this

application and the impugned issues are in respect of promotions of certain categories of employees of the Sri Lanka Railways. Furthermore, the Court has issued an interim order on 14.10.2019 directing all parties to maintain the *status quo* which was prevailing as at that date. Considering all these facts, the learned counsel who appeared for all the parties agreed to get this matter fixed for order on issuance of notice as well as for Judgment. The parties indicated that they wish to proceed with the pleadings already filed and accordingly agreed that this application be dealt with and determine solely on the basis of written submissions. In the circumstances, the order for issuance of notice and the judgment was reserved.

The 1st Petitioner is a registered trade union of the Sri Lanka Railway Department (hereinafter referred to as the “Department”) and the 2nd and 3rd Petitioners being its acting President and the Secretary respectively, seek for a mandate in the nature of a writ of certiorari quashing the decisions contained in the order dated 28.05.2019 (P20a) issued by the Administrative Appeals Tribunal (AAT). The relevant appeal (together with an amended appeal) upon which the said impugned order has been delivered by the AAT, has been filed by the above-named 14th to the 25th Respondents requesting them to be appointed to the post of Engine Driver Grade III under limited category.

The facts of this case origins from a notice published by the Department on 10.12.2014 calling for applications for recruitment of Engine Drivers Grade III under 'limited category'. There was an additional advertisement calling for applications on 'open category' also. However, the subject matter of the instant application relates to the Engine Drivers of Grade III under 'limited category'. In terms of the said notice dated 10.12.2014, those applications were called from the permanent employees of the categories of driver assistants, engine drivers (shunting) and other categories mentioned in the said notice. Such employees who fulfilled the qualifications mentioned in the said notice were eligible to be appointed to the post of Engine Driver Grade III (in Limited Category).

There was no age barrier mentioned in the said notice for such applicants. However, in terms of clause 7:2:3:2 of the Scheme of Recruitment ("SOR") applicable for Engine Drivers- Sri Lanka Technical Service, the maximum age limit for permanent employees of the Sri Lanka Railways is 45 years when recruiting under 'limited category'.

The closing date for applications was 31.12.2014. Accordingly, several applicants who were even above the age of 45 years, following the above notice, applied for the post of Engine Driver Grade III under limited category. The 14th to 25th Respondents who were above the age of 45 years were among those applicants.

The said closing date for applications was initially extended up to 30.01.2015 and once again, it was extended from there onwards until 13.03.2015. The alleged intention for the extension of the original closing date until 30.01.2015 was to entertain 40 Engine Driver Assistants who were supposed to conclude the basic requirement of 5 years in service during such extended period- (vide letter of PSC dated 20.09.2018). The said closing date has been extended for the second time until 13.03.2015 as a result of imposing an additional condition of an age limit of 45 years for the applicants by the Department.

Subject to the provisions of the Constitution appointment/promotion of the public officers including of the said Engine Drivers shall be vested in the Public Service Commission (PSC). The Department and the Secretary to the Ministry of Transport and Civil Aviation Services (hereinafter sometimes referred to as the "Secretary") were constantly in touch with the PSC during the subject process of recruitment. The PSC considering a request made by the Secretary has taken steps on 14.01.2016 to stick to the maximum age limit of 45 years with regard to the subject applicants and however, to amend the existing SOR removing the requirement of age limit without any retrospective effect (Vide letter of PSC dated 20.09.2018). However, such an amendment to the SOR has not been made available to this Court.

Thereafter, the 14th, 22nd, 23rd, 24th and 18th Respondents of this case preferred a writ application dated 15.06.2016 to the Court of Appeal under the case No. CA/Writ 189/2016. Those Respondents sought for a writ of certiorari to quash the decision of the General Manager of Sri Lanka Railways (hereinafter referred to as the "GM") and of others by which those Respondents were disqualified from being appointed to the post of Engine Driver Grade III in respect of their applications. The Court of Appeal, on 13.07.2016 dismissed the said application on the basis that the court was not in a position to interfere with a decision of the PSC expressed in the letter dated 14.01.2016.

Apart from the above sequence of events, the PSC called for observations from the Secretary and the GM upon a petition dated 13.09.2016 submitted by K.B. Chandrasena Bandara (14th Respondent of the instant case). Consequently, the PSC on 06.07.2017 has taken a decision in favor of the said K.B. Chandrasena and others to make the relevant appointments disregarding the maximum age limit of 45 years (vide letters dated 06.07.2017 and 20.09.2018 of PSC).

Subsequently the Secretary and the GM sought advice from PSC upon the issues arising in executing the above decision of the PSC. As a result, the PSC again changed its decision and directed the Department to adhere to the age limit (vide letter dated 11.12.2017 and 20.09.2018 of PSC).

In the meantime, the above named 14th to 25th Respondents (hereinafter sometimes referred to as "Appellants") of the instant case submitted an appeal (together with an amended appeal) to the AAT, under Appeal No.AAT 58/2017(PSC), by virtue of the provisions of Administrative Appeals Tribunal Act, No. 04 of 2002 ("AAT Act"). The date of the original Appeal is 24.05.2017. The Appellant's primary grievance submitted to the AAT was that the authorities had unjustly paved way for the Court of Appeal to dismiss the said writ application No.189/2016 and also that the decision of the PSC expressed in its letter dated 11.12.2017 cancelling its earlier decision was unfair.

During the pendency of the said Appeal the PSC has submitted several observations to the AAT with regard to the said Appeal. On 09.01.2018 the PSC has informed the AAT, inter alia, as follows:

"According to the conditions of the SOR only the officers who are in the age of 45 years or below are become eligible to apply for the post of Engine Driver under limited stream. Accordingly, Appellants cannot appoint to the post of Engine Driver because they have passed the 45 years of age to the date of checking qualifications."

Then again, the PSC has entertained a request dated 29.06.2018 made by the Secretary and the GM to reconsider the said earlier decision of PSC. Accordingly, PSC, by its letter dated 01.08.2018 has inquired specifically from the Secretary as to whether the **protests** against the subject appointments still exist. The GM responding to the PSC stated that the such

protests still continue against the applicants (who are above the age of 45) being appointed as Engine Drivers Grade III.

In spite of all above decisions, the PSC on 29.01.2019 tendering their observations to the AAT has indicated that it has decided to grant appointments to the Appellants as Engine Drivers with effect from 2015. The PSC has submitted to AAT that they were in agreement of appointing the relevant 12 Appellants including the aforesaid K.B. Chandrasena Bandara without considering the age restrictions on that occasion personal to those Appellants. Accordingly, the AAT delivered the impugned final order on 28.05.2019 (P20 a) based on such observations made by the PSC.

The Petitioners have filed the instant application in this Court challenging the said order dated 28.05.2019 of the AAT. The Petitioner's contention is that the appointment of the 14th to 25th Respondents disregarding their age at the time of application has only been made as a personal favor to them. The Petitioners further submits that the said appointments which contravene the SOR, have been made disregarding the requirements of the service. Moreover the Petitioners say that such appointment will tarnish the quality and standards of Railway service of which the reputation will be compromised by adhering to its own criteria set out in the SOR. Further the Petitioners argue that the Appellants do not seek from AAT a relief permitted under Article 59(2) of the Constitution of Sri Lanka and that the AAT's order is contrary to the said Article 59(2) and also that, the Appellants have failed to lodge the Appeal within the prescribed period of time.

Therefore, it is pertinent to inquire whether the AAT possessed the jurisdiction to make the impugned order (P20a) in that manner, and also whether the said order is ultra vires, illegal, irrational and unreasonable as claimed by the Petitioner.

In light of the above, I take the view that the Petitioners have made out a prima facie case despite the preliminary objections such as *locus standi* raised by the Respondents. The issues raised by the Petitioners require the resolution of this court at the merit stage. Also, I am of the view that the said decision of the AAT has a significant impact on the 1st Petitioner being the trade union of which the members are Engine Drivers of the Department.

Firstly, I observe that it is now settled law that a decision of the AAT on a PSC decision can be impugned under Article 140 of the Constitution. The AAT is not a body exercising any power delegated to it by the PSC but is an appellate tribunal constituted in terms of Article 59(1) of the Constitution (See *Rathanayake v Administrative Appeals Tribunal & others*, (2013) 1 Sri LR 331; *Lakmini Delapola v Justice SI Imam & others*, CA Writ Application, 263/2013, CA minutes 26.07.2019; and *K.N. Mankotte v Justice SI Imam & others*, CA Writ 249/2015, CA Minutes 06.03.2019). However, the jurisdiction of Court of Appeal under Article 140 would be limited to a review of the decision of the AAT, and would not extend to quashing decisions of the PSC or of a committee or public official to whom the powers of the PSC have been delegated. (See *W.A.G. Weerasinghe v P.M.K. Malalasekara & others*, CA Writ Application No. 256/2018, CA Minutes 19.03.2021)

By virtue of Article 59(2) of the Constitution, the AAT shall have the power to alter, vary, or rescind any order or decision made by the PSC. The Petitioner's argument is that the said Article 59(2) does not permit the AAT to enter an order 'with consent of parties' and the impugned order made by AAT appears to confirm/affirm a 'new' decision of the PSC to appoint the Appellants.

On a perusal of the said impugned order dated 28.05.2019 it appears that the AAT has taken the final decision as follows:

"therefore we allow the appeal of the 12 Appellants".

The AAT before arriving at the above final conclusion has stated, inter alia, as follows:

*"...However, initially the PSC had taken a different decision. Thereafter the PSC had by their observations dated 04.10.2018 had intimated to this Tribunal that after considering the letter of Secretary, Ministry of Transport and Civil Aviation, dated 07.09.2018, the PSC had taken a decision that since there had been a large number of vacancies available, they have decided to appoint the appellants without considering their age restrictions on that occasion, personal to the Appellants only. **The PSC had indicated that they are in agreement of appointing the aforesaid 12 Appellants on the aforesaid basis.**" (emphasis added)*

Therefore, it is obvious that the said Appellants lodged the said Appeal in the year 2017 in AAT on certain decisions of the PSC which is distinct to the decision disclosed in the proceedings of AAT, dated 29.01.2019. However, after almost two years from receiving the

relevant Appeal, the AAT has made the impugned order 'allowing the appeal', based on a decision of the PSC which is divergent to its earlier decision upon which the Appellants had lodged the subject Appeal. The AAT without letting the Appellants to withdraw their Appeal, has decided to 'allow the appeal' as a consequence to the new order made by the PSC.

In my view it is an indirect affirmation of the fresh decision of the PSC on the appointments. Although the PSC has changed their decision with regard to the recruitments of the Appellants from time to time, the AAT had not made any inquiries about the impugned issues from anybody other than the PSC and the Appellants. It is well observed that by every change of such decision of PSC, depending on the event, affects either to the Appellants or to another set of employees, such as the Petitioners.

Moreover, no inquiry has been made from any employee who is contemporary of Appellants by AAT before arriving at its final decision. The issues raised before the AAT seems to be a long-standing debate between the relevant category of employees and the authorities of Sri Lanka Railways. If any authority is deviating from the norms of a SOR especially on matters of promotions or new recruitments, the employees of alike category of the same institution may eventually raise their grievances. Therefore, I am of the view that the AAT has failed to notify any other public officer as the case may be of the same category whom the Tribunal should consider likely to have been affected by any order or decision of the PSC. In other words, the AAT has opted out the option provided under Section 6 (d) of the AAT Act which warrants a fair hearing. Based on the apparent grounds of appeal or on the material placed before the AAT, it is mandatory, in my view for the AAT to follow the procedure laid down in the said section 6(d).

Therefore, I am of the view that the AAT has delivered a final order 'allowing the appeal' without duly assessing or evaluating the original grounds of appeal and also the issues of law and facts relating to subsequent developments in changing decisions by the PSC. The literal meaning of the provisions of the Article 59(2) of the Constitution is that the AAT shall have the power to alter, vary, or rescind any order or decision made by the PSC. In the circumstances, the AAT will have no power to act beyond the jurisdiction conferred upon it by 'allowing an appeal' without the issues of law and the facts are being assayed and

evaluated. Hence, the AAT is empowered to dismiss an Appeal if it is not inclined to alter, vary, or rescind any order of PSC.

The learned counsel for the 14th to 17th & 23rd to 25th Respondents submitted that when the legislature in their wisdom has given authority to alter, repeal or rescind an order of the PSC the AAT then should automatically have the power to affirm the decision of the PSC in the event the AAT find that the Appeal is meritless. This contention of the respective Respondents will not defeat my above findings as the power vested in AAT is to alter, vary, or rescind any order of PSC or to refuse to alter, vary, or rescind such order.

The following passage by E.R.S.R Coomaraswamy [*E R S R Coomaraswamy, The Law of Evidence, Volume 1 -2nd Edition, 2012 Reprint, Stamford Lake Publication, pages 131 & 132*] is apt here:

"Can a party by admitting expressly or by implication the jurisdiction of a court confer Jurisdiction on the court where none exists? Spencer Bower and Turner say that not even plainest and most express contract or consent of a party to litigation can confer jurisdiction on any person not already vested with it by the law of the land, or add to the jurisdiction lawfully exercised by any judicial tribunal, and the same results cannot be achieved by conduct or acquiescence by the parties. These cases are described as cases of a total or patent want of Jurisdiction." [Also see *Kekul Kotuwage Don Aruna Chaminda v Janashakthi General Insurance Limited, SC Appeal No: 134/2018, SC Minutes 09.10.2019*]

In *T.I.G. Suriyaarachchi & others v. LC. Liyanage alias Gunewardena & others, CA case No. 272/1997(F), CA Minutes 08.06.2018*) His Lordship Justice, A.H.M.D. Nawaz apart from referring to the above passage of Spenser Bower has highlighted the following passage too;

"In Spencer Bower on the Law Relating to Estoppel by Representation~ (2003) 4th Edition at p.172~it is declared that no contract or consent of a party to litigation can confer jurisdiction on any person not already vested with itIn the words of Lord Reid: ' .. it is a fundamental principle that no consent can confer on a Court or tribunal with limited statutory jurisdiction any power to act beyond that jurisdiction, or can estop the consenting party from subsequently maintaining that such Court or tribunal has acted without jurisdiction' ~see Essex CC v. Essex Incorporated Congregational Church Union [1963] AC 808 at 820~ 1."

I have arrived at my findings above based on three main reasons. Firstly, it was due to the reason that the AAT considered a consent expressed by the PSC who took steps to appoint

the relevant Appellants disregarding the age barrier. My second reason is that the Appellant's prima facie grievance which eventually comes within the ambit of sections 4 & 6 of the AAT Act was based on a decision of the PSC disallowing those Appellants being recruited. However the AAT has taken the impugned decision after the PSC allowed those Appellants to be recruited.

The third reason is that the AAT being duly empowered to correct errors of law and fact, has failed to take into consideration whether there is an error of law and fact upon the nature of changing the decisions by PSC in reference to the age barrier embodied in the SOR.

One of the significant observations in this regard is that the PSC has taken different views on the same matter based on representations made by the Secretary or by the GM. However, on a perusal of several letters issued by the PSC it is observed that PSC has taken into consideration the 'protests' made by the employees of Sri Lanka Railways and also the 'appeals' made by such employees. The PSC particularly by its letter dated 20.09.2018 has made an inquiry from the AAT as to whether the 'protests' still exist.

The proceedings dated 25.09.2018 of AAT divulges the fact that the decisions made by the PSC had been changed owing to the different representations that had been made by the Department and also that different views had been expressed by the Department in different levels. Although the PSC has taken a final decision to overlook the age barrier only with regard to the Appellants, the PSC in its letter dated 11.12.2017 has previously observed that it is not appropriate to recruit the applicants who are above the age of 45 as it goes against the provisions of the SOR. Further it is important to note that on 09.01.2018 the PSC has raised even a preliminary objection regarding the appeal before AAT being proceeded alleging that the PSC hadn't taken any decision regarding the matter at the time of the Appeal being lodged.

In terms of Article 61A, inter alia, no court or tribunal shall have power or jurisdiction to inquire into or pronounce upon or in any manner call in question any order or decision made by the PSC. However, the AAT has been conferred the power under Article 59(2) of the Constitution to alter, vary, or rescind any order or decision made by PSC. Therefore, the AAT has a canon of controlling authority over the decisions of PSC. Similarly, the appeal

process in AAT is meant to fill the void occasioned by any gap in the law or inaction and thereby to implement the rule of law. Therefore, in my view the AAT in exercising its jurisdiction under Article 59 (2) ought to take into consideration the factual & legal aspects and determine the Appeal.

In the circumstances, I hold that the AAT has not been permitted by virtue of Article 59(2) to enter an order with 'consent' of parties specially on an occasion where such order or decision affects a similar or same category of employees/persons. I am of the view that for this reason alone this Court can make a determination in this matter despite the preliminary objections such as *locus standi*, & lack of *uberima fides*. Therefore, I am inclined to accept the proposition made by the Petitioners based on the Latin term *ex debito justitiae*- (*Stated of a remedy that the court has no discretion to refuse. Thus the applicant has the remedy as of right.*' vide Jonathan Law and Elizabeth A. Martin, 'A Dictionary of Law'- 7th ed., Oxford University Press).

In the circumstances, I proceed to issue a writ of certiorari quashing the order dated 28.05.2019 (P20a) of the AAT.

The Petitioners are only seeking for a writ of certiorari to quash the order dated 28.05.2019 and however, no writ of mandamus has been prayed for. Now I turn to the judgment of His Lordship Justice A.H.M.D Nawaz in *Lakmini Delapola v Justice SI Imam & others, CA Writ Application, 263/2013, CA minutes 26.07.2019*. The Petitioner in that case had only prayed for a writ of Certiorari to quash the decision of the AAT. There was no mandamus prayed for to compel the AAT to rehear the appeal. In such a situation His Lordship Justice Nawaz opined that the Court of Appeal could grant what is known as a "*Mandamusified Certiorari*" which should perform the function of both certiorari and mandamus. When the court issues a Mandamusified Certiorari it could quash the order of the AAT and compel them to rehear the appeal. His Lordship relied on a passage at page 518 of Administrative Law (Eleventh Edition) by H.W.R Wade and C.F. Forsyth to articulate this proposition. (Also see, *R v Hillingdon LBC exp Streeting (1980) 1 WLR 1425.*)

I am of the view that it is necessary to issue a *Mandamusified Certiorari* for AAT to make a fresh decision to arrive at a finality on the issues of the subject recruitments. In the circumstances, I issue a *Mandamusified Certiorari* directing the AAT to recommence the

appellate proceedings. Accordingly, the appeal of the above named 14th- 25th Respondents, is remitted to the AAT for a suitable decision after taking appropriate steps at its discretion under Section 6 (d) of the AAT Act. This Court directs the AAT to give priority to the said appeal and make an order expeditiously.

Judge of the Court of Appeal

Dhammika Ganepola, J.

I agree.

Judge of the Court of Appeal