

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

**In the matter of an Application for a mandate in the  
nature of *Writ of Certiorari and Prohibition* under  
article 140 of the Constitution of the Democratic  
Socialist Republic of Sri Lanka**

**CA/WRIT/290/2015**

1. All Ceylon Bank Employees' Union,  
464/20, Pannipitiya Road,  
Palawatte,  
Battaramulla.
2. Wasantha Samarasinghe,  
President,  
All Ceylon Bank Employees' Union,  
464/20, Pannipitiya Road,  
Palawatte,  
Battaramulla.
3. Gamini Ratnasiri,  
General Secretary,  
All Ceylon Bank Employees' Union,  
Bank of Ceylon Branch,  
Bank of Ceylon,  
12<sup>th</sup> Floor,  
Head Office,  
Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.

4. H.H.Mahanama,  
2/17, Anagarika Darmapala Mw,  
Maligaspe,Galle.
5. G.B. Nuwan Gunaratne,  
No. 145,  
Sandaresgama,  
Eppawala.
6. I.K.G. Darshana Thusitha Kumara,  
No.222 D,  
“Darshana”,  
Ketawala,  
Lewula,  
Via Kandy.
7. M.A. Shamika Dilini Perera,  
No. 80/29/1,  
Samagi Mw,  
Panaluwa Estate,  
Atygala Rd,  
Watareka,  
Padukka.
8. S.A. Sashini Harshika Subasinghe,  
“Supasan”,  
Minuwangoda Rd,  
Dunagaha.
9. S.A. Chamitha Lakmali P erera,  
No. 648,  
Undugoda Rd,  
Nawagamuwa, Ranala.

**10. P.K. Piumi Thesarani,**  
2/19, Arachchige Watte,  
Saranmudali Mw,  
Hetthatiya- Central,  
Matara.

**11. H. Sithara Danushthi Habaragamuwa,**  
No. 555/1,  
“Sumudu”  
Henehaththa,  
Biyagama.

**PETITIONERS**

**Vs,**

1. Bank of Ceylon,  
Head Office,  
Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.
2. Retired Air Chief Marshal Harsha Abeywickrema,  
Former Chairman,  
C/O Chairman,  
Bank of Ceylon,  
Head Office,  
Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.
3. Ronald C. Perera PC,  
Chairman, Bank of Ceylon,  
Head Office, Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.

4. S. Pushpa Wellappili,  
Director
5. Ranel T. Wijesinghe,  
Director
6. Brian J. Sinniah,  
Director  
4<sup>th</sup> to 6<sup>th</sup> Respondents are of Board of Directors,  
Bank of Ceylon,  
Head Office, Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.
7. D.M. Gunasekara,  
General Manager,  
Bank of Ceylon,  
29<sup>th</sup> Floor,  
Head Office, Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.
8. K.D.S. Bandara,  
Senior Deputy General Manager  
(Product and Development Banking),  
Bank of Ceylon,  
25<sup>th</sup> Floor,  
Head Office, Bank of Ceylon Square,  
No.01, Bank of Ceylon Mw,  
Colombo 01.

9. S.M.S.C. Jayasuriya,  
Deputy General Manager  
(International and Treasury),  
Bank of Ceylon,  
Member
10. G.H. Chandrasiri,  
Deputy General Manager  
(Human Resource),  
Bank of Ceylon,  
Member
11. S.H. Ranawaka,  
Chief Legal Officer,  
Bank of Ceylon,  
Member
12. D.P.K. Gunasekara,  
Deputy General Manager  
(Corporate and Offshore Banking),  
Bank of Ceylon,  
Member
13. W.P.R.P.H. Fonseka,  
Deputy General Manager  
(Retail Banking),  
Bank of Ceylon,  
Member
14. P. Jayasoma,  
Deputy General Manager  
(Sales and Channel Management),  
Bank of Ceylon,  
Member

15. B.M. Premarathne,

Assistant General Manager  
(Human Resource operations),

Bank of Ceylon,

Member

9<sup>th</sup> to 15<sup>th</sup> Respondents are of Human Resource Policy  
Committee,

Bank of Ceylon,

Head Office, Bank of Ceylon Square,

No.01, Bank of Ceylon Mw,

Colombo 01.

16. G.D. Siva,

Assistant General Manager

(Training and Development),

Bank of Ceylon,

Secretary,

Human Resource Policy Committee,

Bank of Ceylon,

C/O General Manager,

Bank of Ceylon,

Head Office, Bank of Ceylon Square,

No.01, Bank of Ceylon Mw,

Colombo 01.

17. N.A Senevirathne Bandara,

Chief Manager (Compensation and Administration),

26<sup>th</sup> Floor, Bank of Ceylon,

Head Office, Bank of Ceylon Square,

No.01, Bank of Ceylon Mw,

Colombo 01.

**And 100 others**

**RESPONDENTS**

**Before: Vijith K. Malalgoda PC J (P/CA) &  
S. Devika de. L Tennakoon J**

**Counsel:** Shyamal A. Collure for the Petitioners  
Romesh de. Silva PC, with Chandimal Mendis, Eraj de. Silva and  
Akila Amunugama for the 1<sup>st</sup>, 3<sup>rd</sup> to 17<sup>th</sup> Respondents

Written Submissions on: 18.02.2016, 24.02.2016

**Order on: 29.04.2016**

## **Order**

**Vijith K. Malalgoda PC J**

Petitioners to the present application have come before this court seeking inter alia, prerogative writs in the nature of *Writ of Certiorari* and *Writ of Prohibition*.

- a) To quash a decision to promote 18<sup>th</sup> to 117<sup>th</sup> Respondents to the grade of Officer Trainee
- b) To prohibit 1<sup>st</sup> to 15<sup>th</sup> Respondents from promoting to the grade of Officer Trainee contrary to the provisions contained in P-6 and P-10

In addition to the above relief, the Petitioners have prayed for the issuance of an interim relief directing the 1<sup>st</sup> to 17<sup>th</sup> Respondents not to confirm 18<sup>th</sup> to 117<sup>th</sup> Respondents in the Grade of Executive Officer in the 1<sup>st</sup> Respondent.

When the matter was supported before this court for notices, the Learned President Counsel who represented the 1<sup>st</sup> to 17<sup>th</sup> Respondents (except 2R) informed court that the issuance of interim relief had become academic since 18<sup>th</sup> to 117<sup>th</sup> Respondents have already being confirmed in the Grade of Executive Officers but did not object for the issuance of notice on the Respondents.

After notices were issued on the Respondents, the Learned Counsel for the Petitioners once again renewed their application for interim relief and the matter had come up before us on 27.01.2016 to support for interim relief.

At the time the matter was supported before us for interim relief 1<sup>st</sup> and 3<sup>rd</sup> to 17<sup>th</sup> Respondents through their counsel raised a preliminary objection, to the effect that the interim relief prayed in the Petition is wider, than the main relief prayed for.

As pointed out by the Learned Counsel for the 1<sup>st</sup> to 17<sup>th</sup> Respondents (except 2 R) the main relief prayed by the Petitioners refer to the quashing of a decision to promote the 18<sup>th</sup> 117<sup>th</sup> Respondents by way of a *Writ of Certiorari* and Prohibiting such promotion by way of a *Writ of Prohibition* but no relief is sought by way of *Writ of Certiorari* or *Prohibition* to quash a decision to confirm or prohibit any confirmation of the said Respondents.

When considering the material placed by both parties before this court including the confirmation letters of several Respondents filed along with a motion dated 18<sup>th</sup> December 2015 the court observes that, a large number of Respondents have now confirmed in their positions by the 1<sup>st</sup> Respondent bank and therefore granting interim relief will become purely academic and of no use. It is further observed by this court that in the absence of main relief, preventing the confirmation of the 18<sup>th</sup> to 117<sup>th</sup> Respondents and also considering the fact that several of them have now confirmed in their position, this court decides to up hold the preliminary objection raised by the Respondents.

Preliminary objection up held. Interim relief not granted.

**PRESIDENT OF THE COURT OF APPEAL**

**S. Devika de. L Tennakoon J**

I agree,

**JUDGE OF THE COURT OF APPEAL**