

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

CA (Writ) 02/2017

Ranpati Dewage Ramani Champika
Priyagoda, Ganankete,
Welpalla.

PETITIONER

Vs.

1. National Savings Bank,
"Savings House" No. 255, Galle Road,
Colombo 03.

2. Aswin De Silva, Chairman

3. A. K. Senaviratne, Director

4. Ajith Pathirana, Director

5. Anil Rajakaruna, Director

6. Suranga Naullage, Director

7. D.L.P.R. Abeyaratne, Postmaster General
(Ex-officio Director)

8. Chandima Hemachandra, Director

2nd to 8th Respondents, All of
National Savings Bank, "Savings House"
No. 255, Galle Road, Colombo 03.

9. S.D.N. Perera
General Manager / Chief Executive Officer

10. Assistant General Manager
(Human Resources Development)

11. Deputy General Manager
(Human Resources Development)

9th to 11th Respondents are of
National Savings Bank, "Savings House"
No. 255, Galle Road,
Colombo 03.

RESPONDENTS

C.A (Writ) Application No.02/2017

Before : Vijith K. Malalgoda, PC J (P/CA) and
S.Thurairaja, PC J

Counsel : Sisira Siriwardena with T.G. Gunasekara
for the Petitioner.

Argued and

Decided on : 16.01.2017

Vijith K.Malalgoda, PC J (P/CA)

Heard counsel in support of this application.

The Petitioner's present application refers to a charge sheet just served against her by the 1st Respondent Bank. As revealed from the submissions made by the counsel for the petitioner, the petitioner was the Bank Manager of Kochchikade National Savings Bank where gold loans running into Rs. 48 million had been granted to 06 people from a jewellery shop in Kochchikade. With regard to the said transactions a charge sheet has been served on the petitioner and the learned counsel takes up the position that the charges against her are weak for the reason that there was no reference to the circulars under which she had been charge sheeted. However going through the charge sheet

before us it is clear that the charges had been framed under the clear provisions of the Disciplinary Code of the respondent bank along with two circulars namely 595 and 596. The learned counsel brings to our notice few other circulars which were released by the 1st respondent's bank in 2014 and submits that there is no relevance of these circulars to the offence since the offence was committed previously. However we observe that the charge sheet does not referred to the new circulars but referred to the circulars which were in operation at that time namely for the circulars Nos. 595 and 596. Under these circumstances it is clear that the charges had been framed on consideration of the circulars and the Disciplinary Code which was in operation at the time the alleged offence said to have committed by the petitioner. Under these circumstances we see no reason to interfere with the decision by the 1st respondent bank to charge sheet the petitioner and therefore we are not inclined to issue notice at this juncture. Notices are refused.

PRESIDENT OF THE COURT OF APPEAL

S.Thurairaja, PC J

I agree.

JUDGE OF THE COURT OF APPEAL/-