

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

CA Writ 09/2017

Danasekara Mudiyanseelage Upali Abeywickrama
No. 17/66, Batalandahena,
Gothatuwa, New Town.

Petitioner

Vs.

01. National Lotteries Board

02. Mrs. Shyamila Perera
The Chairperson, National Lotteries Board

03. Mr. M.K. Hassan , Working Director

04. Mr. Gamini Saparamadu, Director

05. Mr. Chamindra de Silva, Director

06. Mr. Nalaka Kaluwewa, General Manager

07. Mr. K.V.P.S. Theja, Additional General Manager

08. Mr. S.G.V.S.M. Gunasekara, Assistant General Manager

09. Mr. S.D. Abeywickrama, Transport Officer

10. Mr. Jayantha Chandraseela , Inquiry Officer

All of

National Lotteries Board,
No. 234/2, Galle Road,
Colombo 03.

Respondents

C.A. 09/2017

An application for Writ of Certiorari

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

Counsel : K.G. Jinasena with Mihiri Poornima for the Petitioner

Decided on : 27.01.2017

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

Heard counsel in support of this application.

As observed by this Court, the Petitioner has been charge sheeted by P5 & P9. We further observe that the Petitioner has sought further relief in addition to quash the said documents marked P4 as well. When going through the above documents produced marked as P4, P5 and P9 we observe that when charge sheeting the Petitioner, the Respondent, Lotteries Board had followed the disciplinary code which was produced marked as P11 before this Court. We further observe that the document marked P4 pertains to a decision when the Petitioner was asked to come for a preliminary inquiry to record his statement. The petitioner has refused to appear before the said preliminary inquiry and also refused to make a statement. In the said

circumstances, the management has decided to act under 6(10) of the Disciplinary Code and decided to stop paying the half pay as well. When considering the submissions along with the documents placed before this Court, we see no reason to interfere with the decision of the 1st Respondent, Lotteries Board since the said steps have been taken according to the provisions of the disciplinary code of the Lotteries Board. We therefore see no merit in this application. This application is accordingly dismissed.

PRSIDENT OF THE COURT OF APPEAL

S. Thuraija,(PC)J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-