

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

CA (Writ) Application No. 341 /2016

Nalin Dharmajeewa Kuruppuarachchi
No. 128/2, Galwala Road,
Katuwawala, Boraesgamuwa.

Petitioner

Vs.

Open University of Sri Lanka,
P.O. Box 21, Nawala, Nugegoda.

2. Prof. Vijitha Nanayakkara,
Former Vice Chancellor,
The Open University of Sri Lanka,
P.O. Box 21, Nawala, Nugegoda

3. Prof. S.A. Ariadurai ,
Vice Chancellor,
The Open University of Sri Lanka,
P.O. Box 21, Nawala, Nugegoda

4. Nigel Hatch,
Former Chairman,
University Services Appeals Board,
University Grants Commission of Sri Lanka,
No: 20, Ward Place,
Colombo 07.

And Others

Respondents

C.A.Writ Appln. 341/2016

Before : Vijith K. Malalgoda, P.C., J (P/CA) &
S. Thurairajah, P.C., J.

Counsel : Chinthaka Sugathapala with Iresh Senevirathne
and Thishya Weragoda for the Petitioner.
Kamal Dissanayake with Atheek Inan for
the 1st and 2nd Respondents.

Argued &

Decided on : 14.02.2017.

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

Heard the learned Counsel for the petitioner in support of this application. Petitioner who is a Senior Assistant Registrar in the Open University had come before this Court against USAB decision which was taken on 09.02.2016. As observed by this Court the petitioner has not explained the delay nearly for 8 months to come before this Court in his papers filed before this Court. At the same time we observed that the impugned document which is produced "P4" before this Court refers to a payment with regard to providing security to the Open University. The petitioner takes up the position before this Court that only approval the petitioner has given in this

document is that the said service was properly granted to the Open University. The Petitioner takes up the position that according to the Financial Regulation, the final approval is from the Vice Chancellor of the Open University even though the petitioner was charge sheeted for the lapses from his part. He further submits that the Vice Chancellor had not charge sheeted for the lapses from the said Vice Chancellor. Even though the petitioner relies on the printed format submitted before this Court we observed that there is a rubber stamp on which the petitioner has placed the signature where it is stated that he recommends the payment. As observed by this Court USAB when considering the appeal submitted by the petitioner had gone into detailed with regard to the functions of the petitioner and the role played by him as the Senior Assistant Registrar. In the said circumstances we see no reason to interfere with the findings of the said USAB. For the reasons set out above we see no merit of this application. Therefore we are not inclined to issue notices at this juncture. Notices are refused.

PRESIDENT OF THE COURT OF APPEAL

S. Thurairajah, P.C., J.

I agree.

JUDGE OF THE COURT OF APPEAL

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