

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

In the matter of an application for
prerogative Writs in the nature of Certiorari
and/or Mandamus invoked by virtue of
Article 140 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.

CA (Writ) Application No. 370/2017

Beverly Palihawadana,
20/3 2nd Lane,
Koswatta Road, Nawala, Rajagiriya.

Petitioner

Vs

1. W.I.D.R. Weerakon,
Assistant Commissioner of Labor,
Department of Labor,
Kirula Road, Colombo 05.
2. R.P.A. Wimalaweera,
Commissioner of Labor,
Department of Labor,
Kirula Road, Colombo 05.

Respondents

Before: L.T.B. Dehideniya J (P/CA)

A.L. Shiran Goonaratne J.

Counsel: Lasantha Hettiarachchi with Himath Silva instructed by
Medavini Thilakaratne for the Petitioner.

Argued on: 15/11/2017

Decided on: 14/12/2017

L.T.B. Dehideniya J (P/CA)

The Petitioner was an employee of the Food and Agriculture Organization (FAO) of the United Nations in Sri Lanka. His services were terminated and the Petitioner had instituted an action in Labour Tribunal where he was awarded compensation. The 1st and 2nd Respondents have refused to enforce the award of the Labour Tribunal. The Petitioner is seeking a mandate against the 1st and 2nd Respondents to enforce the said award.

The 1st Respondent has refused to enforce this order as per the document marked P7 on the basis of the Diplomatic Immunity granted to the FAO. The Petitioner's contention is that the FAO has no Judicial Immunity in relation to the contracts of employment entered into with the Sri Lankans.

As per the Note Verbal marked X3 issued by the Ministry of External Affairs indicate that the matters arising out of termination of contracts of employment do not fall into the Judicial Immunity.

Under these circumstances I issue notice on Respondents.

President of the Court of Appeal

Shiran Gooneratne J.

I agree.

Judge of the Court of Appeal