

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

An application for a writ of certiorari in terms of Article 140 of the Constitution of the democratic Socialist Republic of Sri Lanka

Chamila Vijayanthi Kulasinghe

No.64, Thenkallagoda. Galle

PETITIONER

CA Writ application

No. 545/2019

Vs.

The Surveyor General

Surveyor General's Department

No. 150, Kirula Road

Narahenpita

Colombo 05.

And 09 others

RESPONDENTS

BEFORE : **Hon Justice Sobhitha Rajakaruna**

Hon Justice Dhammika Ganepola

COUNSEL : R. Wimalarathna for the Petitioner.

DECIDED ON : 29.01.2021

Hon. Justice Sobhitha Rajakaruna

Heard the learned counsel for the Petitioner in support of this application.

The learned counsel submits that there are two errors of law in the order of the Administrative Appeal Tribunal dated 07.08.2018. The counsel brings to the notice of this Court the 4th paragraph of the last page of the said order dated 07.08.2018 where the learned members of the tribunal have mentioned the fact that the Appellant had been guilty of all three charges whereas the Appellant had been guilty only upon 2nd and 3rd chargers. However, this Court observes the 3rd page of the said order where the tribunal has mentioned that upon a formal disciplinary inquiry the Appellant had been exonerated of charge number 01. Although the learned counsel submits that certain matters were not supported with evidence before the tribunal, the Petitioner fails to bring to the notice of this Court exactly such alleged errors made by the Administrative Appeal Tribunal. Also this Court observes that the Petitioner seeks for a writ of certiorari against a decision made by the Surveyor General dated 02.12.2012. Further this Court is of the view that the 3rd prayer in the petition of the Petitioner which seeks to challenge the order of the Public Service Commission dated 21.12.2014 also cannot be maintained under judicial review before this Court.

In the circumstances, this Court is of the view that the Petitioner has not established a prima facia case for issuance of notice in this matter. However, the Petitioner has failed to give acceptable reasons for the delay in making this application to Court.

Accordingly, this Court proceed to dismiss this application.

Application is dismissed.

JUDGE OF THE COURT OF APPELA

Hon Justice Dhammika Ganepola

I agree

JUDGE OF THE COURT OF APPELA

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