

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

CA Writ Application No. **582/2011**

K.G. Ranjith Wanaraja,  
Chief Inspector of Police,  
No. 06, Olcott Mawatha,  
Pettah,  
Colombo 11.

**Petitioner**

**Vs.**

01. N.K. Illangakoon,  
Inspector General of Police,  
Police Headquarters,  
Colombo 01.

And 02 others.

**Respondents**

C.A. 582/2011

Writ Application

Before : S. Sriskandarajah, J. (P/CA)

Counsel : Shantha Jayawardena for the  
Petitioner.

Arjuna Obeysekera DSG. For the  
Respondent.

Argued &  
Decided on : 14.09.2012

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S. Sriskandarajah, J. (P/CA)

The Learned DSG. Who is appearing for the respondent raises a preliminary objection to the effect that the transfer of the petitioner was effected in exercising the powers of the Public Service Commission and in terms of the delegation of powers marked P6 the said transfer was made on exigences of service on the request of the 2<sup>nd</sup> respondent by the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent at the relevant period was exercising the powers of the Public Service Commission. The

1<sup>st</sup> respondent has effected the transfer on exigencies service after obtaining the approval from the Secretary to the Defense, hence he was performing function of the Public Services Commission in relation to the Chief Inspectors of Police and in this application the Secretary of Defense is not made a party. The learned counsel for the petitioner submitted that the transfer was by the 1<sup>st</sup> respondent and not by the Secretary to the defense, therefore he need not be made a party.

It reveals from the objections filed by the 1<sup>st</sup> respondent and in fact the 1<sup>st</sup> respondent has sought approval from the Secretary to the Defense and it was marked as R11 and R12. As the Secretary to the defense was exercising the powers of the Public Service Commission this Court's jurisdiction to entertain applications when powers of the Public Service Commission are exercised are removed by articles 61A of the Constitution of the Democratic Socialist Republic of Sri Lanka and this is an ouster of jurisdiction in the constitution itself. This Court cannot exercise jurisdiction under Article 140 of

the Constitution as Article 140 of the constitution provides that the jurisdiction of this Court is subject to the provisions of the constitution. Hence I uphold the objections raised by the learned DSG, that this Court has no jurisdiction to entertain this application and therefore I dismiss this application without costs.

President of the Court of Appeal

Jmr/-