

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

CA Writ 15/2003

Lt Col Wijesundara Pathirana Hector Manchanayake,
No. 260/1,
15th Lane,
Kandalanda,
Homagama.

Petitioner.

Vs.

Maj Gen R. M. D. Rathnayake,
Col of the Regiment,
Sri Lanka Light Infantry Regiment,
Army Cantonment,
Panagoda.

Maj Gen H. M. H. A. Herath,
Adjutant General,
Army Headquarters,
Colombo 03.

Brig A. L. S. K. Perera,
Sri Lanka Light Infantry Regiment,
Army Cantonment,
Panagoda.

Col M. D. Wijesundara,
Sri Lanka Light Infantry Regiment,
Army Cantonment,
Panagoda.

Lt Col W. S. K. Liyanawaduge,
Sri Lanka Light Infantry Regiment,
Army Cantonment,
Panagoda.

Col Jayanath Jayaweera,
Center Commandant,
Sri Lanka Light Infantry Regiment,
Army Cantonment,
Panagoda.

Lt Gen Jagath Jayasooriya,
Commander of the Army,
Army Head Quarters,
Colombo 03.

Hon. Attorney General,
Attorney General's Department,
Colombo 12.

Respondents.

C.A. Writ 15/2013

Before : S. Sriskandarajah J. (P/CA)
P.W.D.C. Jayathilake

Counsel : Nandana Perera for the Petitioner.

Decided on : 30.01.2013.

S. Sriskandarajah J. (P/CA).

The Petitioner in this application is seeking a Writ of Certiorari to quash the document marked P8. P8 is an order/findings of the Court of Inquiry dated 04.12.2012. In the said Court of Inquiry the Petitioner himself has stated that he accept the responsibility for the entire amount that was not brought into the account of the said programme funds and therefore he agrees to pay the balance money Rs. 1,424,500.00 that is due. This is an admission by the Petitioner in the said Court of Inquiry and the Court of Inquiry has arrived at the findings on the said admission. A Writ of Certiorari to quash that order will not arise in these

circumstances. Therefore, this Court refuses to issue notice on the Respondents.

PRESIDENT OF THE COURT OF APPEAL.

P.W.D.C. Jayathilake
I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-.