

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

In the matter of an application for mandates in the nature of *Writ of Mandamus and Certiorari* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**C.A. (Writ) Application
No: 0299/2026**

Nagoor Thamby Imroos
No. 97, New Mosque Road,
Akkaraipattu – 5.

Temporarily resides at,

No. 12831, Al Rabaab Street,
Al – Malaz District,
Riyadh,
Kingdom of Saudi Arabia (KSA)

**Appearing by the Plaintiff's Power of
Attorney**

Mr. Mohamed Aboobucker Nagoorthamby
No. 97, New Mosque Road,
Akkaraipattu – 5.

Petitioner

Vs.

1. Mr. T. Paskaran
Chairman
Road Development Authority
No. 216 Denzil Kobbekaduwa Mawatha
Koswatta
Battaramulla
2. Mr. H.H.N.A. Hettiarachchi
Director General
Road Development Authority
No. 216, Denzil Kobbekaduwa Mawatha
Koswatta, Battaramulla

3. Mr. H.M. Wimal Rajapaksha
Deputy Director General (HRM&Ad.)
Road Development Authority
No. 216 Denzil Kobbekaduwa Mawatha
Koswatta,
Battaramulla.

4. Road Development Authority
No. 216, Denzil Kobbekaduwa Mawatha,
Koswatta,
Battaramulla

5. Hon. Attorney General
Attorney General Department
Colombo 12

Respondents

Before : R. Gurusinghe, J.
&
Dr. S. Premachandra, J.

Counsel : Rushdhie Habeeb with M.M.M. Muteen
Instructed by Hikma Yoosuf
for the Petitioner.

Pulina Jayasooriya, SC,
for the Respondents.

Supported on: 26-05-2026

Decided on: 30-07-2026

ORDER

R. Gurusinghe, J.

The petitioner is an employee under the 4th respondent (RDA), as a technical officer. He applied for overseas no-pay leave under Circular No. PE/COP/POLI/Circulars dated 22-08-2022. The 4th respondent granted the

petitioner overseas leave from 03-10-2022 to 02-10-2024 by letter dated 02-02-2023. On application of the petitioner, overseas leave was extended from 03-10-2024 to 12-06-2025 by letter dated 04-07-2025. On the 3rd occasion, approval for the extension of overseas no-pay leave was granted to the petitioner from 13-06-2025 to 02-06-2026 by the 4th respondent in a letter dated 09-06-2025.

Petitioner states that the petitioner's foreign employment contract was extended beyond the approved period of overseas leave. The petitioner states that, according to the Circular marked P4, the petitioner is entitled to take no-pay overseas leave for up to 5 years. The petitioner states that he made several appeals and requested the 4th respondent to grant an extension of leave for the full 5 years, as per the Circular referred to above.

Petitioner states that if compelled to unilaterally terminate the overseas agreement and return to Sri Lanka prematurely, the petitioner would be required to bear the cost of air travel and be liable for penalties and other charges imposed by the employer under the terms of the employment agreement. Petitioner states that the petitioner would lose benefits arising from the employment and may also face adverse immigration consequences, including the risk that the petitioner's visa would be blacklisted, thereby preventing future employment opportunities abroad.

As per Circular P4 and Public Administration Circular marked P4(b), Public servants serving in specified sectors were permitted to obtain approval for no-pay leave for five years. Petitioner states that, accordingly, he is entitled to obtain no-pay overseas leave for up to five years. He further states that he remitted foreign currency through banks to Sri Lanka, as required by the above-mentioned circular.

Petitioner seeks a Writ of Certiorari quashing the letter marked P-9, issued by the 1st respondent, to the extent that it directs Petitioner to report for duty on 03-06-2026. Petitioner also seeks a Writ of Mandamus directing respondents to extend no-pay overseas leave up to 18-02-2027. Petitioner further seeks an interim order staying the implementation, operation and/or effect of the impugned decision in P-9 pending the final determination of this application.

Whether the employees referred to in P-4 Circular are entitled to obtain overseas no-pay leave, as of right is an issue to be decided after hearing of parties. Therefore, the Court inclined to issue formal notice on the respondents.

By letter marked P-9 (a) dated 04-11-2024, the petitioner was informed that no-pay overseas leave will not be extended further beyond the period referred to in that letter. The last paragraph of that letter is as follows:

“Therefore, you are hereby informed to report for duty on 03-06-2026. If you fail to do so, you will be treated as having vacated the post.”

The petitioner was informed in advance of the date on which he should report for work. He was further informed that no-pay overseas leave will not be extended after 02-06-2026. The petitioner knew that his leave ends on 03-06-2026 from 04-11-2024.

The grounds set out by the petitioner are insufficient to grant interim relief. Formal notices are issued on the respondents.

Judge of the Court of Appeal

Dr. S. Premachandra J.

I agree.

Judge of the Court of Appeal.