

**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 Certiorari* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**C.A. (Writ) Application
No: 0013/2026**

Southern Provincial Road Development
Authority,
No. 19, Lower Dickson Road, Galle

Petitioner

Vs.

1. Hon. Anil Jayantha Fernando
Minister of Labour

2. Hon S.B. Nawinna
Former Minister of Labour

Both of:
Ministry of Labour, 6th Floor
Mehewara Piyasa, Narahenpita,
Colombo 05.

3. Mrs Nadeeka Wataliyadde
Commissioner General of Labour

4. Mr. M.D.C. Amarathunga
Former Commissioner General of Labour
Both of:
Department of Labour
No. 41, Kirula Road
Colombo 05.

5. K.A.T. Fernando
No. 42/D
Colombo Road
Liyanagemulla, Seeduwa.

6. M.K.S.M. Dias
No. 598/B
Hirimbura Road
Galle

Respondents

Before : R. Gurusinghe, J.
&
A. Premashanker J.

Counsel : Chandana Wijesooriya with Chawindya Weerasinghe
Instructed by Wathsala Dulanjanie
for the Petitioner.

Jayakith Mathuratne, SC
for the 01st to 04th Respondents.

Pubudu De Silva
Instructed by D.K.S. de Silva
for the 06th Respondent

Supported on: 09-07-2026

Decided on: 28-08-2026

ORDER

R. Gurusinghe, J.

The petitioner instituted the present application seeking, *inter alia*, a mandate in the nature of *certiorari* quashing the award made by the 5th respondent dated 09-05-2025, marked P2, together with the findings contained therein. The petitioner has also sought interim relief, namely a stay of the operation of the said award of the 5th respondent contained in the document marked P2.

The petitioner states that in terms of Section 9(1), 15(1) and 20(1) of the Industrial Disputes Act, the Labour Commissioner General and the 5th respondent were duly informed that the petitioner repudiated the award made by the Arbitrator. Further, the petitioner has deposited the awarded sum with the 3rd respondent, the Commissioner General of Labour, who

certified by the document marked P5 that the petitioner had deposited a sum of Rs. 6,000,000/-in terms of Section 31 DDDDD of the Industrial Disputes Act.

The petitioner states that according to the petitioner's Scheme of Recruitment (SOR), the 6th respondent did not possess the requisite period of service to qualify for the promotion claimed by the 6th respondent. The position of the 6th respondent is that, upon his absorption into the petitioner institution, his previous period of service with the Road Development Authority ought to be taken into consideration for the purpose of determining his eligibility for promotion. The petitioner argued that the petitioner recruited the 6th respondent according to the petitioner's SOR.

When considering the petition, affidavit and supporting documents, this Court is satisfied that there is an issue which warrants consideration. Accordingly, this Court inclines to issue notice on the respondents. Considering the fact that the petitioner has already deposited the sum awarded by the Arbitrator and that there is an issue to be looked into by this Court. Therefore, this Court is inclined to issue interim relief as prayed for in paragraph (c) of the prayer to the amended petition.

Judge of the Court of Appeal

A. Premashanker J

I agree.

Judge of the Court of Appeal