

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

*In the matter of an Application for
Orders in the nature of Writs of
Certiorari, Prohibition and
Mandamus under Article 140 of the
Constitution of the Democratic
Socialist Republic of Sri Lanka.*

K. Ruwan Premaweera,
No. 04, Jaya Road,
Thalapathpitiya Road, Madiwela,
Kotte.

CA (Writ) App. No. 527/2024

PETITIONER

Vs.

1. Sri Lanka Foundation,
No. 100, Padanama Mawatha,
Independence Square,
Colombo 07.
2. Mr. Saman K. Athaudahetti,
Chairman,
- 2A. Mr. S. M. Samarakoon,
Chairman,
- 2B. Prof. Mrs. Seetha P. Bandara,
Chairman,
3. Ms. Ridma Bulathsinhala,
Director General (Acting),
- 3A. Mr. Champika Ramawickrama,
Director General,
- 3B. Dr. Mrs. N.M.D.K. Nawarathne,
Director General,

4. Ms. A. D. Ranagala,
Board Member,
- 4A. Mr. G. H. Y. M. Sirisoma,
Board Member,
5. Mr. Buddhika Jayathissa,
Board Member,
- 5A. Mr. M. H. S. S. K. Kumara,
Board Member,
6. Mr. H. R. G. Jayasekara,
Board Member,
- 6A. Dr. A. Antonyrajan,
Board Member,
7. Ven. Bibiladeniye Mahanama
Thero,
Board Member,
- 7A. Dr. A. M. S. Atapattu,
Board Member,
8. Dr. Rohana Weerasinghe,
Board Member,
- 8A. Prof. K. S. Wanniarachchi,
Board Member,
9. Mr. Thusitha Malawwenthri,
Board Member,
- 9A. Mr. D. S. K. S. Jayalath,
Board Member,
10. Dr. Duminda Hadapangoda,
Board Member,
- 10A. Ms. Sulakkana Kumari Gamage,
Board Member,
11. Ms. J. A. M. Himaya Jayasinghe,

Board Member,

11A. Dr. M. K. de Pasqual,
Board Member,

12. Ms. Chani V. Imbulgoda,
Board Member,

12A. Ms. P. W. D. Thisarangani Perera,
Board Member,

13. Mr. N. K. G. K. Nemmewaththa,
Board Member,

13A. Mr. M. K. Prasanga Chathuranga,
Board Member,

14. Dr. Vishaka Alapatha,
Board Member,

15. Ms. K. T. Chamila Priyangani,
Board Member,

16. Mr. Sajith Jayakodi,
Board Member,

17. Ms. Sukumari Sidambarapillei,
Board Member,

All of 2nd to 17th Respondents are of,
Sri Lanka Foundation,
No. 100, Padanama Mawatha,
Independence Square, Colombo 07.

18. Auditor General,
National Audit Office,
No. 306/72, Polduwa Road,
Battaramulla.

19. Mr. Gamini Dias,
No. 12, Saddhananda Road,
Waakada, Panadura.

20. Hon. Bandula Gunawardana,
Minister of Mass Media,

20A. Dr. Nalinda Jayatissa,
Minister of Mass Media,

21. Mr. Anusha Palpita,
Secretary,

21A. Dr. Anil Jasinghe,
Secretary,

All of 20th to 21A Respondents are
of,
Ministry of Mass Media,
No. 163, Asi Disi Medura,
Kirulapone Mawatha,
Polhengoda, Colombo 05.

22. Commander of the Navy,
Navy Headquarters,
Colombo 01.

23. Air Vice Marshal Sampath
Thuyacontha (Retd),
Ministry of Defense,
Defense Headquarters Complex,
Sri Jayawardenepura, Kotte.

RESPONDENTS

Before: Dr. D. F. H. Gunawardhana, J.

Counsel:

Thanuka Nandasiri with Manujaya De Silva and Ishan Jayasundara instructed by Ineka
Hendawitharana for the Petitioner

Manohara Jayasinghe, D.S.G. for the Respondents.

Supported on: 25.05.2026

Order delivered on: 18.06.2026

Dr. D. F. H. Gunawardhana, J.

Order

Introduction

The Petitioner by this Application challenges the termination of his employment by the document marked as **P22** issued by the 2nd Respondent, who is the Chairman of the 1st Respondent.

The Petitioner alleges that the cause of the said letter was that the 2nd Respondent, who is a political appointee to the post, from the beginning, was against the Petitioner and other honest officers attached to the 1st Respondent, and therefore, was a culmination of the political victimisation of the Petitioner. Thus, the Petitioner seeks to invoke the writ jurisdiction of this Court to quash the same.

The following arguments were advanced by the Counsel before me on 25.05.2026; hence, this order.

Arguments

The thrust of the main argument advanced by Mr. Nandasiri is that the Petitioner was victimised politically and finally fired from his service due to his honesty and integrity which benefitted the 1st Respondent as an institution. However, the 2nd Respondent and his confidants, had conspired to create an atmosphere and finally culminated in the termination of the Petitioner's employment; therefore, the Petitioner is entitled to at least notice at this stage.

In addition to that, it was argued that as a Volunteer Force Officer in the Sri Lanka Navy and pursuant to Navy traditions, the Petitioner is entitled to draw his salary during the period of leave, which was granted, despite the fact that he worked in the Sri Lanka Foundation, where he found his new job.

The second argument advanced by him is that the Petitioner did not have the Master's qualification at the time of application, and he had disclosed the same to the Appointing Authority who having realised that they had appointed him with other qualifications, had done so despite objections.

On the other hand, Mr. Manohara Jayasinghe argued that a person who is employed at one particular place cannot draw a salary from another place who is already on leave prior to retirement from the other place as it is against the Establishment Code on one hand, and on the other hand particularly, when it is a Reserved Officer who remains mobilised, cannot physically be working in some other place while drawing his salary from such of Force (the Navy) while remaining mobilised.

Therefore, at this stage, what I need to consider is whether the Petitioner is entitled to notice. For this purpose, I will first consider the Petitioner's grievance.

The Petitioner's complaint

According to the Petition, the Petitioner having obtained a Bachelor of Arts degree from the University of Sri Jayewardenepura, later followed a Postgraduate Diploma in Writership and Communication at the University of Sri Jayewardenepura, and a master's degree at the University of Kelaniya; in proof thereof, the Petitioner has marked and annexed the documents **P1**, **P2**, and **P3** to the Petition respectively. Thereafter, the Petitioner has also completed a Diploma Course in Information Technology at the General Sir John Kothalawala Defence University; to establish that fact, the Petitioner has marked the document annexed to the Petition as **P4**.

The Petitioner asserts that thereafter, he had joined the Sri Lanka Navy, and at the time of his retirement, he held the rank of a Commander.

The Petitioner further asserts that he had responded to an advertisement calling for applications for various posts at the 1st Respondent institution; the said advertisement is marked as **P6**, and the Petitioner has responded to the post of Director Administration. After the relevant interviews, the Petitioner has been selected to be appointed as a director, and accordingly, the Petitioner was informed of the same by the e-mail marked as **P7** annexed to the Petition.

Thereupon, the Petitioner asserts that he has informed the Sri Lanka Navy to obtain leave prior to retirement by the document marked as **P8**. Having received the Letter of Appointment as the Director of the 1st Respondent, commenced his service therein, and the said letter is marked as **P9** annexed to the Petition. The leave prior to retirement approved by the Navy is marked as **P10** annexed to the Petition.

Thereafter, the Petitioner asserts that he functioned as the Director Administration of the 1st Respondent.

However, by the time the 2nd Respondent had assumed duties from October 2022 as Chairman of the 1st Respondent, the 2nd Respondent and his supporters created an adverse atmosphere and working conditions for the honest and loyal employees to the 1st Respondent; thus, various hardships were created for the Petitioner, and some of them have been referred to in the Petition. Consequently, various queries and inquiries were directed at the Petitioner.

However, the Petitioner claims that by the letter dated 16.02.2024, the 2nd Respondent has placed the Petitioner on compulsory leave; thus, the Petitioner was subjected to serious harassment. The said letter is marked as **P19(B)**. Thereafter, the Petitioner asserts that he was subject to an inquiry headed by the 19th Respondent, who is a junior officer, and he was made to give certain statements, particularly with regard to his service of the Navy, how he retired from the Navy, and the drawing of his salary while serving there.

Thereafter, the Petitioner complains that by the letter dated 08.07.2024, the Petitioner's service was terminated and thus, culminating the political harassment directed at the Petitioner; therefore, the Petitioner challenges the same in this Application.

According to the Petitioner, the ground for the 2nd Respondent to initiate and send the Petitioner on compulsory leave, and terminate his employment, was that the Petitioner had drawn a salary from the Navy whilst serving in the 1st Respondent as the Administrative Director and drawing a salary therefrom too.

The Respondents' Objections

According to the Limited Objections filed for and on behalf of the 1st to 18th, 20th and 21st Respondents, it is their position that the detailed report of the Inquiry Officer is marked as **R1**, and in addition to that, they have marked several other letters obtained from the Audit Office, the Ministry of Mass Media and the Ministry of Defence, marked as **R2** to **R5**.

Accordingly, it is their position that while serving as the Lieutenant Commander of the Volunteer Force of the Sri Lanka Navy, and drawing a salary therefrom, the Petitioner has joined the 1st Respondent as a Director Administration and thereby, drawn two salaries during the period of 05.08.2021 to November 2021. Therefore, it is their position that the Petitioner has committed a misconduct, and based on that, his service has been terminated. On that, the Respondents have moved for a dismissal of this Application, even without issuing formal notice.

Now I will consider the relevant documents that the Respondents have relied upon.

On such document is **R2**, which is an audit query issued by the National Audit Office, where there is reference made to the appointment of the Petitioner without proper qualification.

“(3) අධ්‍යක්ෂ (පරිපාලන) තනතුරට 2021 ජූලි මාසයේදී තෝරාගන්නා ලද කේ.ආර්. ජ්‍යෙෂ්ඨ මහතා 1999 අප්‍රේල් 02 දින වැඩබලන උප ලුතිනන් තනතුර යටතේ ශ්‍රී ලංකා නාවික හමුදාවේ සේවයට එක්වී තිබුණි. ඒ මහතා 2011 මැයි 16 දින සිට 2022 ජූලි 21 දින දක්වා ලුතිනන් කමාන්ඩර් (Lieutenant Commander) තනතුරේ රාජකාරි ඉටුකර තිබූ බවට සම්මුඛ පරීක්ෂණයට ඉදිරිපත් කරන ලද තොරතුරු අනුව අනාවරනය විය.

ශ්‍රී ලංකා නාවික හමුදාවේ ජ්‍යෙෂ්ඨ මට්ටමේ (Senior Level) නිලධාරී තනතුරු, ලුතිනන් කමාන්ඩර් තනතුරින් ආරම්භ වන බවත්, කළමනාකරණ මට්ටම (Managerial Level) ලෙස සැලකිය හැකි විධායක මට්ටමේ (Staff Level) නිලධාරී තනතුරු, ලුතිනන් කමාන්ඩර් තනතුරින් පසුව ඵලබෙන කමාන්ඩර් (Commander) තනතුරින් ආරම්භ වන බවත් විගණනය විසින් ශ්‍රී ලංකා නාවික හමුදාවෙන් ලබාගත් තොරතුරු අනුව අනාවරණය විය.

(4) මෙම බඳවාගැනීමේ ක්‍රියාවලියට අදාළ ලිපිගොනු පරීක්ෂාවේදී මෙම අයදුම්කරු ඉහත (3) ඡේදයේ පරිදි ජ්‍යෙෂ්ඨ මට්ටමේ නිලධාරී තනතුරක් වන ලුතිනන් කමාන්ඩර් තනතුරෙහි වර්ෂ 10 මාස 02 ක් පමණක් රාජකාරි ඉටුකර ඇති බවට නිරීක්ෂණය විය. ඒ අනුව අධ්‍යක්ෂ (පරිපාලන) තනතුර සඳහා ශ්‍රී ලංකා පදනමේ බඳවාගැනීමේ පටිපාටියේ දක්වා ඇති පලපුරුද්ද සඳහා වූ සුදුසුකම් මෙම අයදුම්කර සපුරා නොමැති බවට අනාවරණය විය.

(5) ජනමාධ්‍ය අමාත්‍යාංශයේ නිලධාරීන්ගේ සාමාජිකත්වය දරන ලද සම්මුඛ පරීක්ෂණ මණ්ඩලය මෙම කරුණ පිළිබඳව අවධානය යොමු කර නොතිබූ බවට නිරීක්ෂණය වේ. එසේම අපල අයදුම්කරුවන්ගේ සහතික පත්‍රවල නිරවද්‍යතාවය ශ්‍රී ලංකා පදනම විසින් ස්වාධීනව තහවුරු කරකරගෙන තිබූ බවට සාක්ෂිද ලිපිගොනු තුලින් අනාවරණය නොවීය.”

The document marked as **R4** is produced below for further clarity;

“මූලික විමර්ශන ව්‍යාපෘති පරිදි අනාවරණය වූ කරුණු:

යථෝක්ත වාර්තාවන්හි අනාවරණය වූ කරුණු අනුව කේ. රුවන් ජ්‍යෙෂ්ඨ මහතා විසින් පහත විෂමාචාරයන් සිදු කර ඇති බවට නිරීක්ෂණය වේ.

1. ප්‍රේමවීර මහතා ශ්‍රී ලංකා නාවික හමුදාවේ කොමාන්ඩර් තනතුර දරමින්, පදනම් ආයතනයේ අධ්‍යක්ෂ (පාලන) තනතුරට අයදුම් කර ඇති අතර එහිදී තමන් නිත්‍ය නාවික හමුදා නිලධාරියෙකු ලෙස සේවය කළ බව සඳහන් කර ඇත. නමුත් අයදුම්පත්‍රය ශ්‍රී ලංකා නාවික හමුදාවෙහි තම සේවා ප්‍රධානියා මගින් ඉදිරිපත් නොකිරීම හේතුවෙන් ප්‍රේමවීර මහතා අයදුම්පත ඉදිරිපත් කරන අවස්ථාවේ නාවික හමුදාවේ සේවයේ යෙදී සිට ඇති බවත්, අදාළ සුදුසුකම් සපුරා ඇති බවත් සනාථ කර ගැනීමට පදනම් ආයතනයෙහි නිලධාරීන්ට අවකාශ සැලසී නොමැත. (ජාතික විගණන කාර්යාලය, විගණන විමසුම් අංක CAM/D/SLF/2023/01 සහ ජනමාධ්‍ය අමාත්‍යාංශය, විශේෂ විගණන පරීක්ෂණ වාර්තාව අංක MMI/08/18/11 මගින්ද මේ බව තහවුරු කර තිබේ.)

2. ප්‍රේමවීර මහතා 2021.08.05 දින සිට 2021 නොවැම්බර් මාසය දක්වා ශ්‍රී ලංකා නාවික හමුදාවෙන් හා පදනම් ආයතනය යන දෙකෙන්ම වැටුප් ලබා ගැනීමට කටයුතු කර ඇත. ඒ අනුව, යථෝක්ත කාල පරිච්ඡේදයට අදාළව ශ්‍රී ලංකා නාවික හමුදාවෙන් වැටුප් වශයෙන් ලබාගත් රු.319,669.53 ක් වන රජයේ මුදල් අයථා ලෙස පරිහරණය කිරීම හේතුවෙන් ප්‍රේමවීර මහතා වැරදිකරු බව නිරීක්ෂණය වේ. (ජාතික විගණන කාර්යාලය, විගණන විමසුම් අංක CAM/D/SLF/2023/01, ජනමාධ්‍ය අමාත්‍යාංශය, විශේෂ විගණන පරීක්ෂණ වාර්තාව අංක MMI/08/18/11 මගින් ද මේ බව තහවුරු කර තිබේ.)

මූලික විමර්ශන වෘත්තව මගින් කේ, රුවන් සේමවීර මහතා පිළිබඳව ගතයුතු ක්‍රියාමාර්ග සඳහා ඉදිරිපත් කර ඇති නිර්දේශ:

මෙම මූලික විමර්ශනයේදී නිරීක්ෂණය වූ කරුණු ඔප්පු කිරීම සඳහා ප්‍රමාණවත් සාක්ෂි හා ලේඛන විමර්ශන වාර්තාව සමග ඉදිරිපත්කර ඇති බැවින් ද, ප්‍රේමවීර මහතාගේ පරිවාස පත්වීම් කාලය අවසන් වී නැති බැවින් ද, පහත ක්‍රියාමාර්ග ගැනීම සඳහා නිර්දේශ ඉදිරිපත් කර ඇත.”

R5 reads as thus;

“ශ්‍රී ලංකා නාවික හමුදාවේ විශ්‍රාම පූර්ව නිවාඩු ලබා සිටින කාලසීමාව තුළ ශ්‍රී ලංකා පදනම් ආයතනයේ අධ්‍යක්ෂ (පාලන) තනතුරේ සේවය කිරීම - කේ. රුවන් ප්‍රේමවීර මහතා - සේවා අංකය: PSV NVX 5296

යොමුව: ඔබගේ අංක SLF/Chairman/Common හා 2024.06.10 දිනැති ලිපිය

02. උක්ත කාරණය සම්බන්ධයෙන් යොමුගත ලිපිය මගින් ඉල්ලා ඇති තොරතුරු පිළිබඳ මෙම අමාත්‍යාංශයේ නිරීක්ෂණ පහත පරිදි යොමු කරමි.

(i) නාවික හමුදා නිත්‍ය නිලධාරියෙකුට හෝ සක්‍රීය සේවයේ යෙදී සිටින ස්වේච්ඡා නිලධාරියෙකුට වෙනත් රජයේ ආයතනයක රැකියාවක් සඳහා තම සේවා ප්‍රධානියාගේ නිර්දේශයකින් තොරව අයදුම් පත්‍රයක් ඉදිරිපත් කළ නොහැකිය. නමුත් මෙම නිලධාරියාගේ අයදුම්පතේ නාවික හමුදා නිලධාරියෙකු බව පැහැදිලිව සටහන් කර ඇති අතර ශ්‍රී ලංකා පදනම් ආයතනයට බඳ ගැනීමේදී එම ආයතනය ඒ පිළිබඳ අවධානයකින් කටයුතු කර ඇතිදැයි ඔබ විසින් සොයා බැලිය යුතුය.

(ii) විශ්‍රාම පූර්ව නිවාඩු ලබා සිටින නිලධාරියෙකු රජය විසින් විශ්‍රාම ගන්නා දිනය තෙක් රාජ්‍ය සේවයේ නිරත වන පුද්ගලයෙකු ලෙස සලකන බැවින් අවසරයකින් තොරව වෙනත් රැකියාවක නිරත වීමට පවත්නා විධිවිධාන අනුව හැකියාවක් නොමැත.

(iii) රජයේ ආයතන දෙකකින් එකම කාල සීමාවක් සඳහා වැටුප් දෙකක් ලබාගැනීමට නීතිමය ඉඩ කඩක් නොමැත.”

The Petitioner is a Volunteer Officer; however, by the time the Petitioner had applied for the position of Director Administration at the 1st Respondent institution, he had remained a Mobilised Officer, and according to the record, since he was a mobilised officer, he remained in active service. If an officer remains in active service, none of the regulations that applied to demobilised officers in the volunteer force, apply; therefore, the Petitioner is treated as an

officer subject to the regulations and other provisions made under the Military Act and the Regulations of the Naval (Volunteer Force) Act, No. 27 of 1951.

Thus, once such an officer remains mobilised, he shall remain as a regular officer and is then on a paid salary by the Sri Lanka Navy. As such, he has to be released from his civilian employment though the Volunteer Force officers can be called for employment while remaining as demobilised officers. These regulations will not apply to the Petitioner.

Since the Petitioner remains as a mobilised officer, he cannot draw two salaries from two institutions of the Government as it is illegal and against the Establishment Code. Thus, drawing a salary from the 1st Respondent, while being in employment thereof, as well as drawing a salary from the Sri Lanka Navy, being a mobilised officer, is a clear misconduct according to the rules of the Establishments Code.

Therefore, the finding in the report filed along with the Statement of Objections is detrimental and therefore, the Petitioner has not made out a case against the Respondents since he himself is guilty of misconduct. As such, the Petitioner's Application is liable to be dismissed.

Conclusion

For the reasons adumbrated above, I refuse the issuance of formal notice and dismiss this Application *in limine*.

JUDGE OF THE COURT OF APPEAL