

**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.*

Mahanambuwalage Thimira Sulochana
Dayananda,
No.196/3/D, Padiliyathuduwa Road,
Eriyawatiya, Kelaniya.

CA (Writ) App. No. 918/2025

PETITIONER

Vs.

1. Justice (Retired) K.T. Chithrasiri,
Chairman,
Administrative Appeals Tribunal
2. J.J. Rathnasiri
Member,
Administrative Appeals Tribunal
3. S. Nandasekaran
Member,
Administrative Appeals Tribunal

1st to 3rd Respondents all at,
Administrative Appeals Tribunal,
Silva Lane,
Sri Jayawardhanapura Kotte.

4. H. M. N.C. Dhanasinghe
Commissioner General of Prisons
(Acting),
Prison Headquarters,
No.150, Baseline Road, Colombo 09.
5. Herath Banda Dissanayake,
No. 142/3, Sekkuwatta, Dalupitiya,
Kadawatha.
6. Sanath J. Ediriweera,
Chairman,
Public Service Commission
7. G.S.A De Silva PC,
Member,
Public Service Commission
8. Dr. A. D. N. De Zoysa,
Member,
Public Service Commission
9. S. M. Mohamed,
Member,
Public Service Commission
10. Ranjani Nadarajapillai,
Member,
Public Service Commission
11. M. B. R. Pushpakumara,
Member,
Public Service Commission
12. Dr. Sanath Panawennage,
Member,
Public Service Commission
13. W.H.M.M.C.K. Dayaratne,
Secretary,
Public Service Commission

6th to 13th Respondents all at

Public Service Commission,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

14. Hon. Harshana Nanayakkara,
Minister of Justice and National
Integration,
No. 19, Sri Sangaraja Mawatha,
Colombo 10.

15. Ayesha Jinasena, P.C.,
Secretary Ministry of Justice and
National Integration,
No. 19, Sri Sangaraja Mawatha,
Colombo 10.

RESPONDENTS

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

Counsel:

Pulasthi Rupasinghe with Zaneta Ragel instructed by S. Rathnayake for the Petitioner.

A. Seneviratne, SC, for the 4th and 6th - 15th Respondents.

Supported on: 30.04.2026

Order delivered on: 04.06.2026

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

Order

Introduction

The Petitioner had joined the Department of Prisons as a Prison Guard, and was thereafter promoted to the position of Sergeant. In 2020, he was attached to the Welikada Remand Prison as a Sergeant Jailor.

Thereafter, he was served with a charge sheet followed by a disciplinary inquiry and, upon the conclusion of the said inquiry, the Panel of Inquiry recommended that he be dismissed from service. Accordingly, by **P8**, the Commissioner General of Prisons (the 4th Respondent) dismissed him from service.

The Petitioner thereafter appealed against the said decision, and the said appeal was rejected by the 4th Respondent which is reflected in the document marked **P9**. Thereupon, he appealed to the Public Service Commission, which also dismissed his appeal. Thereafter, he appealed to the Administrative Appeal Tribunal (hereinafter referred to as 'AAT'), and by **P12**, the said appeal was also dismissed. In those circumstances, he seeks to invoke the jurisdiction of this Court under Article 140 of the Constitution.

This Application was supported before me on 30.04.2026, and the following submissions were advanced by the Counsel; hence, this order.

Arguments

It was argued for and on behalf of the Petitioner that the Panel of Inquiry, having observed that the certain charges framed against the Petitioner were defective but has still come to the conclusion that he is guilty of the charges framed against him; thereby, has erred in fact and in law.

In addition to that, Mr. Rupasinghe argued that the Administrative Appeal Tribunal (AAT) has merely gone on the basis of Petitioner's connections to the underworld figures, without considering the legality or rationality of the conclusion arrived at by the Panel of Inquiry; thus, the AAT was prejudiced against the Petitioner. Therefore, the Petitioner is entitled to notice.

On the other hand, the learned State Counsel, Mr. Seneviratne raised preliminary objections as to the maintainability of this Application in view of Article 61A of the Constitution, since finally, it is the Public Service Commission's (PSC) decision in effect that the Petitioner is challenging.

Factual Matrix

Upon a perusal of the record, it is revealed that the Petitioner had been summoned by the Criminal Investigation Unit of the Peliyagoda Police on two occasions, and statements of the Petitioner had been recorded with regard to his connection with a drug kingpin named Pradeep, whom the Petitioner identified as a correspondent of a television channel. In addition to that, inquiries were made regarding his connection with an underworld kingpin known as Kosgoda Tharaka, who has since deceased.

Thereafter, the Police had also implicated him in a case filed before the Kaduwela Magistrate's Court. However, the Police subsequently withdrew the report filed against him in the said case. In the meantime, the Police had prepared a report regarding his conduct as a Prison Officer who had maintained close associations with underworld kingpins and their associates. In particular, based on telephone conversations obtained through his mobile phone, the Police had identified that he had engaged in numerous conversations with such kingpins and their close associates. Based on that report, a preliminary inquiry was conducted, followed by a charge sheet framed against him

to be inquired into by a Panel appointed by the Commissioner General of Prisons concerning his conduct; the said charge sheet has also been marked with the Petition as **P4**.

Thereafter, a disciplinary inquiry was held and several witnesses gave evidence. One of the principal witnesses was Sergeant D.P.S. Ranasinghe, a retired Prison Sergeant; according to him, both he and the Petitioner and the said witness were attached to the Welikada Remand Prison in 2020, at a time when ‘Kosgoda Tharaka’ was also incarcerated there; thus, he has stated that he had observed the Petitioner on several occasions speaking with Kosgoda Tharaka through the grill door of the cell. It was further stated that, on one occasion, the witness was requested to collect a parcel from the cell of Kosgoda Tharaka and bring it outside the prison and hand it over to the Petitioner, which he complied with. However, he later came to know that the parcel contained a mobile phone used by Kosgoda Tharaka; hence, the relevant portion of his evidence is reproduced below;

“මගේ ප්‍රකාශයට අනුව මම ජංගම දුරකථනයක් අඩංගු පාර්සලය ගෙනවිත් දුන්නේ වූදින දයානන්ද මහතාටයි. මට බැගයක් ඇති එම බැගය ගෙනත් දෙන්න කියලා වූදින සැරයන් දයානන්ද මහතා මට කිව්වා. ඒ දිනය මට මතක නැහැ. වේලාව පෙ:ව: 7.45-පෙ:ව:8.45 අතරය. අයි වාට්ටුවේ තාරක කියන සැකකරුගෙන් ගෙනත් දෙන්න කියලා කිව්වා. තාරක කියන සැකකරු මට පාර්සලයක් මට දුන්නා. එය මම වූදින නිලධාරී සැරයන් දයානන්ද මහතාට ගෙනත් දුන්නා. මම ඒක බැලුවා ඒක ලෝන් එකක් කියලා මම දැන ගත්තා. මට ඒ පාර්සලය දුන්නේ තාරක කියලා මම දන්නවා. මම ඇතුලේ ඩියුටි කරන නිසයි දන්නේ. ඊට පසු දිනක මා හට පැලියගොඩ පොලිසියෙන් කැඳවීමක් ලැබී එහි ගොස් ප්‍රකාශයක් ලබා දුන්නා. මාගෙන් එහිදී ප්‍රශ්න කර සිටියේ ජංගම දුරකථනයක් දයානන්ද මහතාට ලබාදීම සම්බන්ධවයි. සැරයන් දයානන්ද මහතා සමඟ කොස්ගොඩ තාරක කියන සැකකරු කතා කරනවා මම දැක තියෙනවා. මෙම සිදුවීම සම්බන්ධව දෙපාර්තමේන්තුව මා පිලිබඳව විනයානුකූල කටයුතු කලා”

In addition to that, another Prison Guard, namely W.B Indika, also gave evidence; according to him, while he and the Petitioner were serving at the Welikada Remand Prison, the Petitioner required a quantity of meat for a party. Since the witness was from the Embilipitiya area, where meat was readily available, he arranged for a supplier to provide the same to the Petitioner. The Petitioner thereafter travelled to purchase the meat and returned. This happened during the COVID-19 period.

Further, another officer who had accompanied the Petitioner to Pelmadulla for the said purchase also gave evidence. According to him, during the journey, on their way back they had picked up two individuals who were introduced to him as friends of the Petitioner, and they were later dropped off in Colombo. Subsequently, he came to know that those individuals were involved in a drug trafficking case.

Based on the aforesaid evidence, the Petitioner was found guilty of five out of the six charges framed against him. Consequently, the Panel of Inquiry recommended that he be dismissed from service, as reflected in **P8**. Therefore, the Petitioner challenges the same in the present Application.

It is already clear, with sufficient evidence, that the Petitioner had certain close connections and maintained close relationships with drug peddlers and underworld kingpins. In particular, the evidence given by the witness (officer named Ranasinghe), who is now a retired officer, has clearly established in unequivocal terms that the Petitioner received a mobile phone picked up from 'Kosgoda Tharaka' and brought directly from prison by the said Ranasinghe and handed the over to the Petitioner.

In addition to that, the evidence given by the other two officers of the Prison Department established that the Petitioner had close relationships with drug peddlers and underworld kingpins

and was also involved in certain illegal activities, including purchasing, transporting, and consuming meat from illicitly slaughtered animals. Hence, if the Petitioner genuinely wanted to purchase meat, he could have done so in Colombo. However, he had gone to Pelmadulla to purchase meat from a poacher, who must have poached an animal from within the jungle. Further, on the way, he had also provided transport to two drug peddlers.

According to the evidence so given, it is very clear that his connections undermined the integrity expected of a prison officer, who is required to maintain a certain standard of discipline and not have any unethical relationships with inmates of the Prison or associates of such inmates who are underworld kingpins and drug peddlers. Therefore, he has compromised the dignity of his position and thereby put his colleagues in jeopardy. In addition to that, he has also placed other inmates in jeopardy, who may belong to rival gangs of underworld kingpins and drug dealers, which directly or indirectly affects the rule of law and undermines the criminal justice system. Therefore, the recommendation for the dismissal of the Petitioner from the post of a Prison Sergeant is justified by P8, and the dismissal of the two appeals made to the Public Service Commission as well as the AAT is also justified.

Further, the PSC, having carefully considered the evidence in the matter, decided to dismiss the appeal. In addition to that, the said dismissal was subsequently confirmed by the AAT after examining the evidence and the propriety of the findings made against him.

Conclusion

For the reasons adumbrated above, it is my view that the Petitioner has no grounds upon which he could challenge the decisions undertaken by the authorities as reflected in the documents marked

P6, P8, P9 and P12. As such, I refuse the issuance of formal notice, and dismiss this Application *in limine*, without costs.

JUDGE OF THE COURT OF APPEAL