

CA Writ 53\2011 Undugodage Raveendra samarasekara Rodrigo Vs. Inspector General of Police and five others.(1/CA). Decided on 19.01.2012.

Writ of Certiorari and Mandamus. Rejection of Appeal for the reinstatement after demobilization of the petitioner. Absolute discretion of a Public Authority. Arbitrary action- without a fair trial.

S. Sriskandarajah J, Deepali Wijesundara J Agreeing.

The services of the Petitioner, a reserve PC, suspended on an allegation of bribery. After recording petitioner's statement, on reports of ASP,SSP, Commodant Police Reserve post and IGP, petitioner was demobilized. Petitioner alleges that this had not been communicated to the petitioner.

An MC case had been filed against the petitioner and he had been discharged. Petitioner's appeal to reinstate rejected.

- Alleged that demobilization done without giving him a hearing and had not been communicated to him.
- A public Authority has no absolute discretion in Public law.
- IGP had acted arbitrarily and without giving a fair trial.
- Cited **Abdul Cader Ayoob Vs. IGP and Others 1997 1SLR 412**

Held;

IGP has decided after giving careful consideration to the recommendations and the statement of the petitioner and not acted arbitrarily. Demobilization has been done as per the established procedure and Police Reserve Force has ceased to exist from 2006. Petitioner's challenge to rejection of his appeal has no merit. Hence, Petitioner not entitled to writ of Mandamus.

Application dismissed without costs.