

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

C.A. (writ) No. 442/2014

B.S. Nalin Senanayake,
No: 10,
Kalinga Place off Sulaiman Avenue,
Jawatta Road,
Colombo 5.

Petitioner

Vs.

Dr. Y.D. Nihal Jayathilaka,
The Secretary,
Ministry of Health,
'Suwasiripaya',
No:385, Baddegama,
Wimalawansa Thero Mawatha,
Colombo 10.

and 27 others.

Respondents

C.A.(Writ)Application No.442/2014

BEFORE : **VIJITH K. MALALGODA, P.C.J.(P/CA) &
A.H.M.D. NAWAZ, J.**

COUNSEL : Manohara de Silva P.C. with Pubudini
Wickremaratne for the Petitioner.

Niel Unamboowa D.S.G. for the 1st & 2nd
Respondents

Senany Dayaratne with A. Wijesurendra
for the 27th Respondent.

ARGUED &

DECIDED ON : 05.11.2014

Vijith K. Malalgoda,P.C. J. (P/CA)

Learned President's Counsel for the petitioner informs Court that this matter is settled between the petitioner and the 1st and 2nd Respondents. He reads the terms of settlement in Court as follows:-

1. The Petitioner will be temporary attached to the vacancy now existing at the National Hospital of Sri Lanka (created as a result of the 27th Respondent been attached to the Colombo South Teaching Hospital) until the annual transfer list for 2015 is finalized and given effect to;
2. The Petitioner would be eligible to apply for the annual transfers of specialist medical officers for the year 2015 for the vacant post published in the list including the National Hospital of Sri Lanka, as the Petitioner's post falls under a Category B – Potentially Vacant Post;
3. The post of Consultant Neurologist at the National Hospital of Sri Lanka will be treated as vacant for the purposes of annual transfers of specialist medical officers for the year 2015 under category B;
4. Based on the marks of the annual transfer 2015, the Petitioner's position would be determined.

Learned DSG appearing for the 1st and 2nd Respondents agrees to this proposed settlement.

Learned Counsel for the 27th Respondent informs Court that his client is agreeing to the above settlement subject to his rights, has been pursued with relevant authorities if necessary arises.

Subject to the above terms and conditions, the proceedings are terminated.

PRESIDENT OF THE COURT OF APPEAL

A.H.M.D. Nawaz, J.

I agree.

JUDGE OF THE COURT OF APPEAL

/mds