

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

In the matter of an application for revision in terms of Article 138 of the Constitution of the Democratic Socialist Republic of Sri Lanka, read with the High Court of the Provinces (Special Provisions) Act No. 19 of 1990.

C.A./ CPA No. 50/2024	Pathirathage Yashoda Dilrukshi of
Galle High Court Case	‘Nadeeka’
No. LTAP/1709/24	Kadamaditta,
Matara Labour Tribunal	Medamulana.
Case No. LT/M/26/235/2020	APPLICANT

v.

National Housing Development Authority
of No. 34, Sir Chiththampalam A. Gardiner Mw,
Colombo 02.

RESPONDENTS

AND BETWEEN

National Housing Development Authority
of No. 34, Sir Chiththampalam A. Gardiner Mw,
Colombo 02.

RESPONDENT - APPELLANT

v.

**Pathirathage Yashoda Dilrukshi of
'Nadeeka'**

Kadamaditta,
Medamulana,

APPLICANT – RESPONDENT

AND NOW BETWEEN

National Housing Development Authority

of No. 34, Sir Chiththampalam A. Gardiner Mw,
Colombo 02.

RESPONDENT –APPLICANT– PETITIONER

v.

**Pathirathage Yashoda Dilrukshi of
'Nadeeka'**

Kadamaditta,
Medamulana,

APPLICANT - RESPONDENT – RESPONDENT

BEFORE

: M. Sampath K. B. Wijeratne J. &
M. Ahsan. R. Marikar J.

COUNSEL

: Kamal Suneth with Nadeeka Nishanthi for
the Respondent – Appellant - Petitioner.

Applicant-Respondent-Respondent absent
and unrepresented.

ARGUED ON : Concluded through Written Submissions.

DECIDED ON : 13.12.2024

M. Sampath K. B. Wijeratne J.

Introduction

The Respondent-Appellant-Petitioner (hereinafter referred to as the 'Petitioner') seeks, *inter alia*, to set aside the order made by the learned High Court Judge of Galle on 29th April 2024, dismissing the Petitioner's appeal, and to direct the learned High Court Judge of Galle to hear the appeal on its merits.

When this matter was supported, the Court, being satisfied with the facts, ordered the issuance of notice to the Applicant-Respondent-Respondent (hereinafter referred to as the 'Respondent'). Despite the Court issuing notice to the Respondent on four separate occasions, the Respondent failed to appear and was not represented. As a result, the Court fixed the matter for argument. On the date set for argument, the learned Counsel for the Petitioner moved to submit written submissions in lieu of oral arguments. Accordingly, the written submissions were filed, and the matter was reserved for judgment.

Relevant facts

The Applicant-Respondent-Respondent (hereinafter referred to as the 'Respondent') filed an application at the Labour Tribunal of Matara against the Petitioner. The facts of this application indicate that approximately 800 similar applications had been filed at the Labour Tribunal of Matara. Of these applications, the Labour Tribunal delivered judgments in 39 cases on 28th April 2023, ruling in favour of the applicants.

The aggrieved applicants appealed the aforementioned judgments to the High Court of Matara.

The Petitioner states that shortly after the filing of those appeals, the then High Court Judge of Matara summoned the Petitioner's Legal Officer from Matara and her Counsel to his chambers. Upon observing that hundreds of similar

applications were pending in the Labour Tribunal of Matara, which could potentially be appealed to the High Court of Matara, the Judge informed them that the Matara High Court has a heavy case load. As a result, he advised that no further appeals of this nature be filed there, and instead, such appeals could be filed in either the Hambantota or Tangalle High Courts, as appeals may be lodged in any High Court within the province. The Appellant has submitted an affidavit from the Registered Attorney of the Appellant in support of these facts. However, no such affidavit was filed by the Counsel, leaving this statement uncorroborated. On the other hand, this Court has no means to verify the accuracy of the statement attributed to the relevant judge. As such, I will not place significant reliance on the aforementioned facts. Moreover, they are not directly relevant to the core issue under consideration, namely the dismissal of the appeal by the learned High Court Judge of Galle. Nonetheless, I wish to stress that judges must remain prepared to adjudicate any legitimate cases that come before them, irrespective of their volume. In my view, it is not a healthy practice for the Judiciary for one Judge to shift their responsibility onto another Judge. In the case of *Ramalingam v. Parameswary and others*¹ (C.A.) His Lordship Wigneswaran J., observed that easing the workload is the most unfortunate and selfish reason for transferring a case.

Subsequently, the Labour Tribunal of Matara proceeded to deliver a judgment in another case, ruling in favour of the applicant, against which the Petitioner filed an appeal in the High Court of Matara. According to the Petitioner, the appeal was accepted following the instructions of the learned High Court Judge, after confirming that it was related to the 39 cases for which appeals were already pending before the High Court of Matara. Later, on 20th March 2024, the Matara Labour Tribunal delivered 32 judgments on similar applications, all of which were unfavourable to the Petitioner.

The Petitioner states that on 28th March 2024, the Petitioner's Legal Officer in Matara and the Counsel visited the Matara High Court to verify the situation.

¹ [2000] 2 Sri. L.R. 340.

They attempted to obtain a written statement from the Registrar of the Matara High Court before filing the new appeals in any other High Court, but were unsuccessful in doing so.

Thereafter, for whatever the reason, the Petitioner filed 33 appeals in the High Court of Galle on 22nd April 2024. These appeals were accepted by the registry and assigned numbers ranging from LTAP/1681/2024 to LTAP/1713/2024.

The Petitioner claims that on 29th April 2024, the learned High Court Judge of Galle, without providing an opportunity for a hearing to the Appellant (the Petitioner in the present application), proceeded to make the impugned order, dismissing all the appeals, including the present appeal. This is a clear violation of the principle of natural justice, *audi alteram partem*. Additionally, it is stated that the said order was never communicated to the Petitioner. The certified copy of the order filed by the Petitioner indicates that there was no appearance on behalf of either party in the High Court of Galle.

The learned High Court Judge of Galle observed that, since the appeal stemmed from an order made by the Labour Tribunal of Matara, it should have, under ordinary circumstances, been filed in the High Court of Matara. I concede that the Petitioner ought to have pursued this course of action. Nevertheless, as per the prevailing law, the Appellant is entitled to file the appeal in any of the High Courts within the province.

Governing statutory provisions

To clarify the position above, I will first cite the relevant provisions of the applicable statutes below.

Article 154 (P) of the Constitution provides as follows;

*‘154P (1) There shall be a High Court for each **Province** with effect from the date on which this Chapter comes into force. Each such High Court shall be designated as the High Court of the relevant Province.’*

Accordingly, the High Courts of the Provinces were established, and the High Court of the Provinces (Special Provisions) Act No. 19 of 1990 was enacted, with Sections 3 and 4 reading as follows:

‘3. A High Court established by Article 154P of the Constitution for a Province shall, subject to any law, exercise appellate and revisionary jurisdiction in respect of orders made by Labour Tribunals within that Province and orders made under section 5 or section 9 of the Agrarian Services Act, No. 58 of 1979, in respect of any land situated within that Province.’

4. A party aggrieved by any conviction, sentence or order, entered or imposed, by a Magistrate's Court, a Primary Court, **a Labour Tribunal** or by an order made under section 5 or section 9 of the Agrarian Services Act, No. 58 of 1979 may, subject to the provisions of any written law applicable to the procedure and manner for appealing and the time for preferring such appeals, appeal therefrom **to the High Court established by Article 154P of the Constitution for the Province within which such court or tribunal is situated** or within which the land which is the subject of the order made under the Agrarian Services Act, is situated.

Section 31D (3) of the Industrial Dispute Act No. 43 of 1950 as amended by Act No. 32 of 1990

‘31D (3). *Where the workman who, or the trade union which, makes an application to a labour tribunal, or the employer to whom that application relates is dissatisfied with that application relates is dissatisfied with the order of the tribunal on that application, such workman, trade union or employer may, by written petition in which the other party is mentioned as the respondent, appeal from that order on a question of law, to the High Court established under Article 154P of the Constitution, for the Province within which such labour tribunal is situated.*’ (Emphasis added)

Application of the statutory provisions

In the case of *Kaluthanthrige Dona Jayaseeli v. Kaluthanthrige Dona Dayawathi and six others*² His Lordship Priyantha Jayawardena, P.C. J., in His Lordship's judgment, interpreted the phrase '*within such province*' in Section 5A (1) of the High Court of the Provinces (Special Provisions) Act No. 19 of 1990, as amended. This interpretation pertains to appeals originating from the District Courts or Family Courts.

Be that as it may, His Lordship referred to the definition of the word '*within*' as provided in the 2nd Edition of the Oxford English Dictionary, which states:

'In the limits of, or in the inner part of, a space or regent, especially a city or country, in the place or realm.'

The definitions of the word '*within*' provided in the Collins English Dictionary and the Compact Oxford English Dictionary were also cited, which read as follows:

'Not beyond the limits of and inside the range of bounds of respectively'

Consequently, the Supreme Court determined that any High Court located within the Western Province has the authority to hear all appeals and revision applications arising from the judgments and orders delivered by any District Court or Family Court within the Western Province.

Section 31C (3) of the Industrial Disputes Act states that an appeal from an order made by the Labor tribunal on a question of law shall be presented, '*(...) to the High Court established under Article 154P of the Constitution, **for the province** within which such Labour Tribunal is situated (...)*'.

Section 3 of the High Court of the Provinces (Special Provisions) Act states that, '*A High Court established by Article 154P of the Constitution **for a province***' (...) shall exercise appellate and revisionary jurisdiction in respect of orders made by Labour Tribunals within that province.

² S.C. Appeal No. 29/2016, Supreme Court minutes dated 28th February, 2019.

Analysis

The phrases '*for the provinces*' and '*for a province*' mentioned above are comparable to the phrase '*within such province*' which was interpreted by the Supreme Court to mean any High Court located within the province.

Therefore, in line with the Supreme Court's decision, I concede that under Section 31C (3) of the Industrial Disputes Act and Section 3 of the High Court of the Provinces (Special Provisions) Act, the High Courts of Matara, Hambantota, Tangalle, Galle, and Balapitiya all within the Southern province possess jurisdiction to hear appeals against orders made by any Labour Tribunal within the province, including the Labour Tribunal of Matara.

The concept of multiple courts having territorial jurisdiction to hear a case is not unfamiliar in our legal framework. For instance, Section 9 of the Civil Procedure Code permits a plaintiff to institute an action in a District Court within whose local limits the defendant resides, the land in question is situated, the cause of action arises, or the contract sought to be enforced was made.

The learned High Court Judge, in her reasoning in the impugned order, stated that allowing the appeals to be filed in the High Court of Galle, instead of the High Court of Matara where the Labour Tribunal made the order, and choosing the High Court of Galle while overlooking the High Courts of Hambantota, Tangalle, and Balapitiya, amounted to '*forum shopping*.' In the Indian case of *Michael Builders and Developers v The Indian Nursing Council*³, Justice Swarna Kanta Sharma defined, forum shopping to mean '*attempt to choose a forum favourable*'

Black's Law Dictionary⁴ defines *forum shopping* to mean; '*The practice of choosing the most favourable jurisdiction or court in which a claim might be heard*'.

³ 2024:DHC:7146, decided on 18.09.2024.

⁴ B. A. Garner, *Black's Law Dictionary*, 11th edn, p. 798.

Merriam Webster Dictionary defines *forum shopping* to mean; ‘*The practice of choosing the court in which to bring an action from among courts that could properly exercise jurisdiction based on determination of which court is likely to provide the most favourable outcome*’.

It appears that the learned High Court Judge of Galle was aware that a significant number of similar appeals had been filed in the High Court of Matara, and the refusal of the Matara High Court to accept further appeals prompted the filing of the present appeal in the High Court of Galle. Nonetheless, as correctly observed by the learned High Court Judge, the reason for not filing the appeals in the High Courts of Hambantota, Tangalle, or Balapitiya remains unexplained. Nevertheless, dismissing the appeal without providing a hearing to either the Appellant or the Respondent cannot be justified.

Since there is an apparent reason for filing the appeal outside the Matara High Court, I am not inclined to accept it as a deliberate choice of forum.

The High Court, established under the 1978 Constitution, was the highest court of first instance exercising criminal jurisdiction and was referred to as ‘***The High Court of the Republic of Sri Lanka***’⁵ Even under Section 2 of the Judicature Act, then High Court of the Republic of Sri Lanka was one of the courts of first instance established for the administration of justice in the Republic of Sri Lanka. However, the 11th Amendment to the Constitution repealed Article 111(1) and introduced the provision: ***High Court of Sri Lanka*** which shall exercise such jurisdiction and powers as Parliament may by law vest or ordain’. Since then, the High Court is no longer a court of first instance.

However, even after the repeal and replacement of Section 2 of the Judicature Act by the Judicature (Amendment) Act No. 34 of 2022, the High Court of the Republic of Sri Lanka and the provincial High Courts established under Article 154P (2) of the Constitution continue to be designated as courts of first instance

⁵ Article 111(1) of the 1978 Constitution now repealed.

in the Judicature Act. Nonetheless, constitutional provisions should take precedence over general law.

Under Article 111 of the Constitution, appointments of High Court judges are made to the High Court of Sri Lanka. The composition of High Court judges must comply with Section 4 of the Judicature Act. From among the judges of the High Court of Sri Lanka, His Lordship the Chief Justice nominates the required number of judges to serve in each High Court, as specified under Article 154P (2) of the Constitution.

Section 3 of the Judicature Act stipulates that, for the purpose of administering justice, Sri Lanka is divided into territorial units comprising Judicial Zones, Judicial Districts, and Judicial Divisions. Under Section 5(1) of the Act, a Judicial District represents the territorial jurisdiction of a District Court, while a Judicial Division corresponds to the territorial jurisdiction of a Magistrate's Court.

In terms of the Judicature Act, the High Court is vested with jurisdiction to hear, try, and determine all prosecutions for *offenses* triable on indictment by a High Court, provided such offenses were wholly or partly committed within the respective *judicial zone*⁶. In addition, the High Court of Colombo *inter alia* exercised Admiralty jurisdiction⁷.

Article 105, which serves as the constitutional basis for establishing courts for the administration of justice, remains intact since its enactment. The ***High Court of the Republic of Sri Lanka*** is one of such institutions established in terms of Article 105. Article 105 enacts that it is ***subject to the provisions of the Constitution***. Consequently, the High Courts are established subject to the other provisions of the Constitution.

⁶ Sections 9 of the Judicature Act No. 2 of 1978, as amended by amendment Act No. 71 of 1981 and the Gazette notifications published under Section 3 of the Judicature Act.

⁷ Section 13 of the Judicature Act. Subsequently amended by amendment Act No.16 of 1989.

The 13th Amendment to the Constitution introduced a new Chapter XVIII A. Article 154P (1) of the above chapter provided for the establishment of a High Court in each Province and mandated these courts to exercise, *according to law*, the original criminal jurisdiction of the High Court of Sri Lanka for *offences* committed *within the province*⁸.

Further, notwithstanding anything in Article 138 and *subject to any law*, exercise, appellate and revisionary jurisdiction in respect of convictions, sentences and orders entered or imposed by Magistrates Courts and Primary Courts *within the province*⁹.

It was also granted the power to exercise *such other jurisdiction and powers as Parliament may, by law, provide*¹⁰.

Every such High Court also have jurisdiction to issue, *according to law*, orders in the nature of *habeas corpus*, in respect of persons illegally detained within the province; and order in the nature of writs of *certiorari*, *prohibition*, *procedendo*, *mandamus* and *quo warranto* against any person exercising, within the province, any power under any law; or any statutes made by the Provincial Council established for that province, in respect of any matter set out in the Provincial Council list.

Jurisdiction can be categorized into two types: territorial jurisdiction and subject matter jurisdiction.

Article 154P (1) of the Constitution provides that each province shall have a High Court, referred to as the High Court of the relevant province. Through the years, multiple High Courts have been established within the provinces, functioning as the High Court of the province in various cities. The judicial zones of these High Courts are determined and published through official Gazette notifications.

⁸ Article 154P (3) (a).

⁹ Article 154P (3) (b).

¹⁰ Article 154P (3) (c).

According to Section 9(1) of the Judicature Act, the High Court has the power and authority to hear, try, and determine, on indictment, the offences specified in subsections 9(1)(a) to (f) committed within the *zone*. However, this jurisdiction is subject to the provisions of Section 9(2) of the Act. Consequently, an offence committed in Sri Lanka under paragraph 9(1)(a) is ordinarily tried by the High Court holden in the judicial zone where the offence was committed. For offences specified in Section 9(1)(b) to (f), jurisdiction is exercised by the High Court holden in the judicial *zone* nominated by His Lordship the Chief Justice.

Accordingly, Section 9(2)(a) of the Judicature Act restricts the jurisdiction of High Courts to try, hear, and determine *offences* committed within Sri Lanka, as outlined in Section 9(1)(a), to those offences committed within their designated *judicial zones*. Although Article 154P(3)(a) of the Constitution refers to offences committed within the province, it is qualified by the requirement that the High Court of the province exercises its original criminal jurisdiction *according to law*. This qualification enables the corresponding provision of the Judicature Act to function effectively.

Article 154P (b) grant the High Court, appellate and revisionary jurisdiction in respect of convictions and orders entered or imposed by Magistrate's Courts and Primary Courts within the province, notwithstanding anything in Article 138 and *subject to any law*.

Article 154P (c) grants the power to exercise such other jurisdiction and power Parliament may provide, by law.

There is no reference in Article 154P to the orders made by Labour Tribunals and orders made under the Agrarian Services Act.

Subsequently, the High Court of the Provinces (Special Provisions) Act No. 19 of 1990 was enacted, reaffirming the provisions of Article 154P(3)(b) of the Constitution. Under Section 4 of the Act, the right of appeal was granted to any party aggrieved by a conviction, sentence, or order made by a Magistrate's Court or a Primary Court, allowing appeals to the High Court established for the province where such court is located. Additionally, the Act extended the right of

appeal to the High Court of the province where the relevant labour tribunal or the land subject to an order under the Agrarian Services Act is located.

It is noteworthy that the High Court of the Provinces Act does not address the original criminal jurisdiction of the High Courts established for the provinces. As a result, the original criminal jurisdiction of these courts is governed by the Constitution and the applicable provisions of the Judicature Act. Meanwhile, the appellate jurisdiction is governed by both the Constitution and the High Court of the Provinces Act, while the revisionary jurisdiction is directly governed by the Constitution itself.

As a result, the High Courts of Provinces exercise original criminal jurisdiction within their designated judicial zones, whereas their appellate and revisionary jurisdiction encompasses the entire province.

At this stage, it is important to note that, unlike the right of appeal to the Court of Appeal granted under Sections 14, 15, and 16 of the Judicature Act in respect of the High Court's exercise of original criminal jurisdiction, no provisions are made regarding the right of appeal for cases involving the High Court's appellate, revisionary, or other jurisdictions under Article 154P(3)(b) and (c). Consequently, the right of appeal in these cases, as well as for orders made under Article 154P (4), is granted by the Constitution under Article 154P (6).

It is significant to observe that Article 154P (6) does not address appeals in relation to the exercise of original criminal jurisdiction by the High Court; these provisions are contained in Sections 14, 15, and 16 of the Judicature Act. This distinction further highlights that the legislature has made a clear separation between the right of appeal concerning the exercise of original criminal jurisdiction by the High Court and those concerning appellate, revisionary, and other jurisdictions.

As I have already stated above, the phrase '*according to law*' in Article 154P(3)(a) allows the provisions in the Judicature Act to operate, thereby limiting the territorial jurisdiction of the Provincial High Court to its respective

judicial zone, as Article 154P(3)(a) pertains to offences committed within the province.

One could argue that, according to Section 17 of the Judicature Act, the jurisdiction of the High Courts is confined to the judicial zones specified under Section 3 of the Act. Therefore, it might be contended that the appellate, revisionary, and other jurisdictions are also limited to these judicial zones. However, Section 17 explicitly states that it is subject to the other provisions of the Judicature Act. As such, since the application of judicial zones under the Judicature Act is primarily limited to original criminal jurisdiction as per Section 9, it cannot be extended to other types of jurisdictions.

Moreover, it is crucial to emphasize that a constitutional provision cannot be overridden by ordinary legislation. Therefore, specific provisions set by the Constitution would take precedence over the provisions of the Judicature Act.

Sections 14, 15, and 16 of the Judicature Act pertain to the right of appeal for offences tried by the High Court exercising its original criminal jurisdiction. These sections provide that a right of appeal from the High Court is granted to the Court of Appeal.

However, as previously noted, the provincial High Court of Sri Lanka, in addition to its original criminal jurisdiction, holds appellate and revisionary jurisdiction under Article 154P(3)(b) of the Constitution. It is also vested with writ jurisdiction under Article 154P (4) and any additional jurisdiction conferred by Parliament through legislation under Article 154P(3)(c).

Following the enactment of the Judicature (Amendment) Act No. 34 of 2022, both the High Court of the Republic of Sri Lanka and the High Courts established for the Provinces under Article 154P of the Constitution are designated as courts of first instance for the administration of justice in Sri Lanka¹¹. However, this does not imply the existence of two distinct types of High Courts in the country.

¹¹ Section 2 of the Judicature Act as amended by Act No. 34 of 2022.

Rather, both names are acknowledged, possibly due to certain statutory provisions that specifically reference the High Court of the Republic.

In the circumstances, I am of the view that the room available for an appeal to be filed in any of the High Courts within the province, by passing the High Court within zone within which the original court or tribunal is situated is an issue need to be addressed by the Legislature. The deficiencies in the statutes may give rise to opportunities for *forum shopping*. However, legislation is the prerogative of the Legislature and should not be taken in by courts under the guise of interpretation.

In an appropriate case, filing an appeal in a High Court other than the nearest one within the province, without a valid reason, could be construed as *forum shopping*.

Final conclusion on the impugned order

For the reasons outlined above in this judgment regarding jurisdiction, I set aside the impugned order made by the learned High Court Judge of Galle on the 29th April 2024 refusing to accept the appeal filed by the Appellant.

Ruling on the appropriate court to adjudicate the appeal

Under the Industrial Disputes Act, an applicant whose services have been terminated can file an application against the termination in any Labour Tribunal within Sri Lanka. Unlike first-instance courts such as the High Courts, District Courts, and Magistrate Courts, the territorial jurisdiction of the Labour Tribunal is not limited to a specific province, judicial zone, district, division or zone as published in the Gazette.

Provincial High Courts are identified as the High Courts of their respective provinces, and District Courts are referred to as the District Court of the corresponding judicial district. Similarly, Magistrate's Courts are designated as the Magistrate's Court of the relevant judicial division. In contrast, Labour Tribunals are uniquely identified by numbers, as their jurisdiction extends across the entire island.

The reason not to assign a limited territorial jurisdiction may stem from the intention to give the applicant, who is often the weaker party in most cases, the opportunity to select the most convenient option.

Accordingly, the Respondent in this application (the applicant before the Labour Tribunal) has opted to file her application with the Labour Tribunal of Matara, as it is the closest tribunal to her residence in Kadamaditta, Madamulana.

The closest High Court to the Labour Tribunal of Matara is the High Court of Matara. While the High Courts of Hambantota and Tangalle may be closer to the residence of the Respondent, there is no evidence before this Court to support this fact.

The Petitioner has chosen to file this appeal in the High Court of Matara; however, the reasons outlined above, which are best known to the Petitioner, have led to the decision to file it in the High Court of Galle, located approximately 50 km from the High Court of Matara. Undoubtedly, this creates an additional burden for the Respondent, whose residence is located to the east of Matara, as she must travel to the High Court of Galle on the western side of Matara, bypassing the High Court in Matara to resolve her appeal.

There can be no doubt that the Legislature's intention in establishing Provincial High Courts was to provide litigants with easier access to justice. The closer the courts are to the litigant, the more convenient and efficient the litigation process becomes.

Under Section 46 (1)(d) of the Judicature Act No. 2 of 1978 the Court of Appeal has the authority to transfer cases from one Court to another. The grounds for such transfers are outlined in Section 46 (1) (a) to (d). Section 46 (1) (d) states that this Court could transfer a case if it appears that *it is so expedient on any other ground*, other than the grounds stated in 46 (1) (a) to (c). However, the Sinhala text of Section 46 (1) (අ) reads as ‘වෙනත් යම් හේතුවක් නිසා මාරුකිරීම යෝග්‍ය බව’.

Accordingly, I observe an inconsistency between the English and Sinhala texts. In terms of Article 23(1) of the Constitution, laws are enacted or made and published in Sinhala and Tamil, along with a translation in English. Therefore, since the English text is only a translation, the Sinhala text must prevail over the English text.

In light of the foregoing analysis, I am of the view that this appeal should be transferred to the High Court of Matara. Accordingly, exercising the powers conferred by Section 46(1)(d) of the Judicature Act read with Section 2(2) of the High Court of the Provinces (Special Provinces) Act No. 19 Of 1990, I hereby order that the appeal be transferred to the High Court of Matara.

Conclusion

The High Court Judge of Galle is hereby directed to remit the appeal brief, along with a copy of this judgment, to the High Court of Matara forthwith.

The sitting High Court Judge of Matara is directed to follow the standard procedure for appeals from Labour Tribunals and to expedite the resolution of the appeal.

Application allowed. No costs.

The Registrar of this Court is directed to communicate this judgment to the High Court of Galle and the Labour Tribunal of Matara.

JUDGE OF THE COURT OF APPEAL

M. Ahsan. R. Marikar J.

I Agree.

JUDGE OF THE COURT OF APPEAL

