

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

In the matter of an application in terms of Articles 17 and 126 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**SC (FR) Application No: 4/2017**

K. M. R. Perera,  
51/1, Northpole Residencies,  
Apartment 5/1, Peter's Lane,  
Dehiwala.

**PETITIONER**

**vs.**

- 1) Dharmadasa Dissanayake,  
Chairman.
- 1A) Justice Jagath Balapatabendi,  
Chairman.
- 2) A.W.A. Salam.
- 2A) Hussain Ismail.
- 2B) Indrani Sugathadasa.
- 3) D. Shirantha Wijayatilake.
- 3A) Prathap Ramanujam.
- 3B) Dr. T.R.C. Ruberu.
- 4) V. Jegarajasingam.
- 4A) Ahamed Mohammed Saleem.
- 5) Santi Nihal Seneviratne.
- 5A) Sudarma Karunaratne.

5B) Leelasena Liyanagama.

6) S. Rannuge.

6A) Dian Gomes.

7) D.L. Mendis.

7A) Dilith Jayaweera.

8) Sarath Jayatilake.

8A) G.S.A. De Silva.

2<sup>nd</sup>, 2A, 2B, 3<sup>rd</sup>, 3A, 3B, 4<sup>th</sup>, 4A, 5<sup>th</sup>, 5A, 5B, 6<sup>th</sup>, 6A, 7<sup>th</sup>, 7A, 8<sup>th</sup> & 8A Respondents are members of the Public Service Commission.

9) H.M.G. Seneviratne.

9A) M.A.B. Senaratne.

9B) Daya Senarath,  
Secretary.

1<sup>st</sup>, 1A, 2<sup>nd</sup>, 2A, 2B, 3<sup>rd</sup>, 3A, 3B, 4<sup>th</sup>, 4A, 5<sup>th</sup>, 5A, 5B, 6<sup>th</sup>, 6A, 7<sup>th</sup>, 7A, 8<sup>th</sup>, 8A, 9<sup>th</sup>, 9A & 9B, Respondents are at Public Service Commission, No 177, Nawala Road, Narahenpita.

10) K.S.C. Dissanayake,  
Director General,  
Overseas Administration Division.

10A) M.K. Pathmanathan,  
Additional Director General.

10B) Sumith Dissanayake,  
Director General,

Human Resources and Mission Management.

11) Esala Weerakoon.

11A) Ravinatha Ariyasinghe.

11B) Admiral Jayanath Colombage,  
Secretary.

10<sup>th</sup>, 10A, 10B, 11<sup>th</sup>, 11A & 11B Respondents  
are at Ministry of Foreign Affairs,  
The Republic Building, Colombo 1.

12) Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

### **RESPONDENTS**

**Before:** E.A.G.R. Amarasekara, J  
Achala Wengappuli, J  
Arjuna Obeyesekere, J

**Counsel:** Uditha Egalahewa, P.C., with Ranga Dayananda for the Petitioner  
Nirmalan Wigneswaran, Deputy Solicitor General for the Respondents

**Argued on:** 26<sup>th</sup> July 2021

**Decided on:** 21<sup>st</sup> January 2022

### **Arjuna Obeyesekere, J.**

In this application, the Petitioner, who is an Officer of the Sri Lanka Foreign Service is alleging *inter alia* that the Respondents have violated the Petitioner's fundamental right to equality before the law and the equal protection of the law enshrined in Article 12(1) of the Constitution and the freedom to engage in a lawful occupation guaranteed by Article 14(1)(g) of the Constitution.

Soon after the filing of this application, but prior to it being supported, the Public Service Commission had taken a further decision with regard to the Petitioner which prompted the Petitioner to file SC (FR) Application No. 55/2017 in February 2017, complaining of the said decision as well and alleging *inter alia* that the Respondents have violated the Petitioner's fundamental rights enshrined in Articles 12(1) and Article 14(1)(g) of the Constitution.

On 6<sup>th</sup> November 2019, this Court granted the Petitioner leave to proceed in both applications in relation to the infringement of the aforementioned Articles of the Constitution. As the complaint of the Petitioner set out in this Application is subsumed in SC (FR) Application No. 55/2017, the said application was fixed for argument, with this application being mentioned together with the said application. When this matter was taken up for argument on 26<sup>th</sup> July 2021, the learned President's Counsel for the Petitioner and the learned Deputy Solicitor General for the Respondents informed this Court that the parties in this application would abide by the judgment that would be delivered by this Court in SC (FR) Application No. 55/2017.

By its judgment delivered today, this Court, for reasons set out therein, has dismissed SC (FR) Application No. 55/2017, without costs. Accordingly, this application too shall stand dismissed, without costs.

**JUDGE OF THE SUPREME COURT**

**E.A.G.R. AMARASEKARA, J.**

**I agree.**

**JUDGE OF THE SUPREME COURT**

**ACHALA WENGAPPULI, J.**

**I agree.**

**JUDGE OF THE SUPREME COURT**