

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

*In the matter of an application in terms of
Article 126 read with Article 17 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.*

SC FR Application No. 105/ 2017

1. Weerakkodi Appuhamilage Chamila
Priyadarshani Weerakkodi,
Naagama, Welpalla.
2. Wickrama Arachchige Amila Roshan Buddhi
Yasarathna,
129, Aliwalpalla, Walgammulla, Veyangoda.
3. Henakankanamalage Dona Haritha Hemanthi,
126/04, Jayasiri Mawatha, Dehiwala.
4. Wedage Sunethra Janaki Dheeraseskara
712/01, Kusalsevana Road,
Kottawa, Pannipitiya.
5. Suranga Niroshan Botheju,
68C, Hewagama, Kaduwela.
6. Walgama Vilage Done Sanjeevani Niluka,
33/16, Sriya road, Colombo 06.
7. Hathurusinghelage Rushanthi Tharanga
Weerasinghe,
313, Pitadeniya, Dehiowita.

8. Don Darshani Gammanpila,
63/49 B, Base line Mawatha, Dematagoda,
Colombo 09.
9. Rannulu Kumudu Sriyantha,
22/01A, Wavulangoda,
Hikkaduwa.
10. Neraluwa Gamage Channa Rohitha,
799/97/C/3/2, Kularathna Mawatha,
Colombo 10.
11. Dadallage Kanchana Jayasekara,
374, I.D.H. Road, Gothatuwa,
Angoda.
12. Kusala Rangani Amarasinghe,
12, Dias Place, Pepiliyana Road,
Nugegoda.
13. Aththaragama Gedara Dhammika Niroshan,
145 D/1, Ruppagoda Road, Gonahena,
Kadawatha.
14. Rangollage Shiromani Pradeepika,
13/05, Gemunu Mawatha, Maligawatta,
Kirindiwela.
15. Mullawaththa Jayaweera Indika Prasad,
21/02, Polhena, Wandurawa,
Veyangoda.
16. Widanalage Ruvini Priyanga,
810/D, Vihara Mawatha,
Tewatta, Ragama.

17. Hewa Padminige Ranjani Mallika,
228/02, Hospital Road, Kalubowila.
18. Angage Kumuduni Priyani Perera,
68 C, Hewagama, Kaduwela.
19. Dikkumburage Don Chandani Silva,
162/401, Madampitiya Road,
Colombo 15.
20. Thirimadura Meththa Dilakshi Mendis,
64/04, Wilakolawatta, Tissa Road,
Wadduwa.
21. Alawathurage Anusha Priyadarshani
Samarathunga, 84/05, Ballummahara,
Mudungoda.
22. Bulathsinalage Thushara Indika Perera,
77/18, Gnanawimala Road,
Dematagoda, Colombo 09.
23. Halahakoon Peirislage Agra Samurdhi,
142, Miriswatta, Mudungoda.
24. Apsara Sewwandi Perera Hettiarachchi,
60/13, Iddamalwatta, Mattumagala, Ragama.
25. Kathiachchige Chintha Damayanthi,
17/01, Horagala, Padukka.
26. Walgama Vilage Don Sanath Nandana,
33/11, Vincent Lane, Wellawatta.

27. Kalpage Lasantha Chamari Kalpage, 16,
Pragathi Mawatha, Thalgahawatta, Angoda.
28. Dona Lakwaruni Wickramasekara
Abeygoonaratne,
Meda Nainamadama, Nainamadama.
29. Subasinghe Nissanka Prasad Sudesh Dias,
7/6/B, Duwawatta Road, Thumbowila,
Piliyandala.
30. Wijayasinghe Mudiyanseelage Dina Manjula
Kumari.
191/29, Maladola Watta, Kadawatha.
31. Chandrani Deepthilatha Lalpewickrama,
09, Janatha Mawatha, Navinna,
Maharagama.
32. Korale Gamaralalage Indika Thushari
Gamage,
143/02, Pethiyagoda, Gampaha.
33. Mohamed Jainul Fareed Mohamed Riyas,
7/2C, Nagahamulla Road, Kolonnawa
34. Sumangali Shanthi Nawalage,
114/26, Averiwatta Road, Wattala.
35. Jayalathlage Sithari Chandima,
500/05, Ihala Karagahamuna, Kadawatha
36. Polaththa Rathubaduge Shanika Shyamani
Rasangika,
181, Pokuna Road, Kawdana, Dehiwala.

37. Uyanage Kanchana Iroshi Uyanage,
29/C/3/1, Mangala Mawatha, Colombo 08.
38. Kadirappulige Nishanthi Manel, 383/B, Nisala
Pedesa, Pelanwatta, Pannipitiya.
39. Adikariwattage Dona Chandrani,
Weerabhavana, Pinidiyamulla, Paiyagala.
40. Wicrama Arachchilage Amitha Ganga Kumari
Wickramarachchi,
Udumulla, Molagoda.
41. Kalid Masuli,
127/01, Meeraniya Place, Colombo 12.
42. Napelage Shyamalee Kumari Thilakaratne
Sithumina, Pelahela watta, Kalagedihena.
43. Rupasinghe Arachchige Ranjani Malkanthi,
4/33, Universal Park, Galwarusawa Road,
Oruwala, Athurugiriya.
44. Fathima Azra Saifdeen,
136/88, Pragnagnaloka Mawatha, Kaudana
Road, Dehiwala.
45. Weerakkodige Sarath Indika Nimalasiri
Weerakkodi, "Maleesha' Kadadara, Imulana,
Ruwanwella.
46. Wickramarachchige Gnanasiri Prabath,
275/12, Manakada Road, Kahawa, Kosgama.

47. Mohomed Farook Abdullah Fawzan,
309/21/C, Brandiyawatta, Wellampitiya.
48. Thuyesh Santha Kuruppu,
7/10/M, Pragathi Mawatha, Katuwana Road,
Homagama.
49. Colabage Sumith Buddhika Fernando,
11/A, Peris Mawatha, Moratuwa.
50. Tuan Puthra Nalawansha Tuan Sherifdeen,
765/345/NHS, Maligawaththa.
51. Dilika Nisansala Kotawala,
159/1, Quarry Road, Dehiwala.
52. Liyanage Don Waruna Rupesh Jayarathne,
299/2, Yogasrama Road, Welmilla Junction,
Welmilla.
53. Warnawaththa Waduge Suranji Suditha
Prashanthi,
447/1/C, Moragahahena Road, Pitipana
North, Homagama.
54. Vidanalage Sudesh Chandika Demel,
519/B, Uswatta Road, Boralesgamuwa.
55. Jayasinghalage Dona Prasangika Sajeevani
7/10/M, Pragathi Mawatha, Katuwana Road,
Homagama.
56. Wanasinghe Arachchilage Shadish Janaka,
C/4, Samagipura Flats, Colombo 14.

57. Sajeewa Shymali Kumari Padukkawidanalage,
Shymali, Angamuwa, Padukka.

58. Meethalawe Galkotuwegedara Chandima
Thilakarathne,
455/5, Daham Mawatha, Meegoda.

59. Noor Mohamed Abdul Nijam,
B/G/09, N.H.S. Maligawaththa Flats, Colombo
10.

PETITIONERS

Vs.

1. Nihal Somaweera,
Secretary,
Ministry of Transport and Civil Aviation,
7th Floor, Sethsiripaya, Stage II,
Battaramulla.

1A. G.S. Withanage,
Secretary
Ministry of Transport and Civil Aviation, 7th
Floor, Sethsiripaya, Stage II, Battaramulla.

1B. N. B. Monty Ranatunga
Secretary,
Ministry of Transport and Civil Aviation,
7th Floor, Sethsiripaya, Stage II,
Battaramulla.

1C. M.M.P.K. Mayadunna
Secretary,
Ministry of Transport and Civil Aviation, 7th
Floor, Sethsiripaya, Stage II, Battaramulla.

2. Hon. Nimal Siripala De Silva,
Minister of Transport and Civil Aviation,
7th Floor, Sethsiripaya, Stage II,
Battaramulla.

- 2A. Hon. Dr. Bandula Gunawardane
Minister of Transport & Highways and
Mass Media
9th Floor,
"Maganeguma Mahamedura"
Denzil Kobbakaduwa Mw, Koswatta,
Battaramulla.

3. J.J. Rathnasiri,
The Secretary,
Ministry of Public Administration and
Management,
Independence Square, Colombo 07.

- 3A. A Padmasiri Jayamanna,
The Secretary,
Ministry of Public Administration and
Management and Law and Order,
Independence Square, Colombo 07.

- 3B. J. J. Rathnasiri
The Secretary,
Minister of Public Services, Provincial Councils
and Local Governments
Independence Square, Colombo 07.

- 3C. Ranjith Asoka
The Secretary,
Minister of Public Services, Provincial Councils

and Local Governments Independence Square,
Colombo 07.

4. Hon. Ranjith Madduma Bandara,
Minister of Public Administration and
Management
Independence Square, Colombo 07.

- 4A. Hon. Ranjith Madduma Bandara,
Minister of Public Administration and
Management and Law and Order,
Independence Square, Colombo 07.

- 4B. Hon. Dinesh Gunewardena
Minister of Public Administration Home
Affairs, Provincial Councils and Local
Government,
Independence Square, Colombo 07.

5. Dharmasena Dissanayaka,
Chairman, Public Service Commission,
No. 177, Nawala Road, Colombo 05.

- 5A. Justice Jagath Balapatabandi,
Chairman,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

- 5B. S.B. Sanath Ediriweera
Chairman
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

6. A. Salam Abdul Waid,
Former Member, Public Service Commission,
No. 177, Nawala Road, Colombo 05.
- 6A. Prof. Hussein Ismail,
Member,
Public Service Commission, No. 177, Nawala
Road, Colombo 05.
- 6B. Indrani Sugathadasa
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
- 6C. S.M. Mohamed
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
7. Dhara Wijayatilaka,
Member, Public Service Commission,
No. 177, Nawala Road, Colombo 05.
- 7A. V. Sivagnanasothi
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
- 7B. N.H.M. Chithrananda
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

8. Dr. Prathap Ramanujam,
Member,
Public Service Commission, No. 177, Nawala
Road, Colombo 05.

8A. Dr. T. R. C. Ruberu
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd,
Battaramulla.

8B. Prof. N. Selvakkumaran
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd,
Battaramulla.

9. Mrs. V. Jegarasasingam,
Member,
Public Service Commission,
No. 177, Nawala Road, Colombo 05.

9A. A.L.M. Saleem
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

9B. M.B.R. Pushpalumara
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

10. Nihal Seneviratne,
Member,
Public Service Commission,
No. 177, Nawala Road, Colombo 05.

- 10A. Leelasana Liyanagama
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

- 10B. Dr. A. D. N. Zoysa
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla

11. S. Ranugge,
Member,
Public Service Commission,
No. 177, Nawala Road, Colombo 05.

- 11A. Dian Gomas
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

- 11B. R. Nadarajapillai
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.

12. D. L. Mendis,
Member,
Public Service Commission,
No. 177, Nawala Road, Colombo 05.

- 12A. Dilith Jayaweera
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
- 12B. C. Pallegama
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
13. Sarath Jayathilake,
Member, Public Service Commission,
No. 177, Nawala Road, Colombo 05.
- 13A. W. H. Piyadasa
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
- 13B. G. S. A. De Silva
Member,
Public Service Commission,
No. 1200/9, Rajamalwatta Rd, Battaramulla.
14. K.V.M.P.J. Gamage,
Director General of Combined Services,
Ministry of Public Administration and
Management,
Independence Square, Colombo 07.

- 14A. K,V,M.P.J. Gamage
Director General of Combined Services,
Minister of Public Administration &
Management and Law and Order
Independence Square, Colombo 07.
- 14B. Aloka Bandara
Director General of Combined Services,
Minister of Public Services, Provincial
Councils and Local Governments
Independence Square, Colombo 07.
15. A.H.K. Jagath Chandrasiri,
Commissioner General of Motor Traffic,
Department of Motor Traffic,
No. 341, Elvitigala Mawatha Narahenpita,
Colombo 05.
- 15A. Sumith Alahakoon
Commissioner General of Motor Traffic
Department of Motor Traffic
No. 341, Elvitigala Mawatha,
Narahenpita, Colombo 05.
- 15B. Nishantha Anuruddha Weerasinghe
Commissioner General of Motor Traffic
Department of Motor Traffic
No. 341, Elvitigala Mawatha,
Narahenpita, Colombo 05.
16. Hon. Ranil Wickramasinghe,
Hon. Prime Minister and Minister of National
Policies and Economic Affairs,

No. 58, Sir Earnest de Silva Mawatha,
Colombo 07.

16A. Hon. Ranil Wickramasinghe,
Minister of Defence, Finance, Economic
Stabilization and National Policies, Women,
Child Affairs and Social Empowerment,
Technology Presidential Secretariat,
Old Parliament Building, Colombo 01.

17. Hon. John Amarathunga
Minister of Lands and Minister of Tourism
Development and Christian Religious Affairs,
"Mihikatha Medura", Land Secretariat,
No. 1200/6, Rajamalwatta Avenue,
Battaramulla.

17A. Hon. John Amarathunga,
Minister of Tourism Development and
Christian Religious Affairs,
7th Floor, No. 8,
Galle Road, Colombo 03.

18. Hon. Gamini Jayawickrema Perera,
Hon. Minister of Sustainable Development
and Wildlife
9th Floor, Sethsiripaya, Stage I, Battaramulla.

18A. Hon. Gamini Jayawickrema Perera,
Minister of Buddhasasana,
135, Srimath Anagarika Dharmapala
Mawatha, Colombo 07.

19. Hon. Mangala Samaraweera
Hon. Minister of Foreign Affairs,

Republic Building,
Sri Baron Jayathilake Mawatha, Colombo 01.

19A. Hon. Mangala Samaraweera

Minister of Finance and Mass Media,
Ministry of Finance,
The Secretariat,
Lotus Road, Colombo 01.

20. Hon. S.B. Dissanayake

Minister of Social Empowerment and Welfare,
1st Floor, Sethsiripaya (Stage II)
Battaramulla.

20A. Hon. S.B. Dissanayake

Hon. Minister of Social Empowerment,
Welfare and Kandyan Heritage,
1st Floor, Sethsiripaya (Stage II),
Battaramulla.

20B. Hon. S.B. Dissanayake

Former Minister of Social Empowerment,
Welfare and Kandyan Heritage,
1st Floor, Sethsiripaya (Stage II),
Battaramulla.

21. Hon. W.D.J.Seneviratne

Minister of Labour and Trade Union
Relations,
2nd Floor, Labour Secretariat, Colombo 05.

21A. Hon. W.D.J. Seneviratne,

Hon. Minister of Labour, Trade Union
Relations and Sabaragamu Development
2nd Floor, Labour Secretariat, Colombo 05.

- 21B. Hon. W.D.J. Seneviratne,
Former Minister of Labour, Trade Union
Relations and Sabaragamu Development
2nd Floor, Labour Secretariat, Colombo 05.
22. Hon. Lakshman Kiriella,
Hon. Minister of Higher Education and
Highways Maganeguma Mahamedura,
No. 216, Denzil Kobbekaduwa Mawatha
Koswatta, Battaramulla.
- 22A. Hon. Lakshman Kiriella,
Hon. Minister of Public Enterprises and Kandy
City Development,
Level 36, East Tower, World Trade Center
Echelon Square, Colombo 01.
23. Hon. (Dr.) Sarath Amunugama,
Hon. Minister of Special Assignments,
6th Floor, Sethsiripaya, Battaramulla.
- 23A. Hon. (Dr.) Sarath Amunugama,
Minister of Science, Technology, Research,
Skills Development & Vocational Training and
Kandyan Heritage,
6th Floor, Stage II, Sethsiripaya,
Battaramulla.
24. Hon. Rauff Hakeem,
Minister of City Planning and Water Supply,
Lakdiya Medura, No. 35, New Parliament
Road, Pelawatta, Battaramulla.
25. Hon. Anura Priyadharshana Yapa,

Hon. Minister of Disaster Management, Vidya
Mawatha, Colombo 07.

25A. Hon. Anura Priyadharshana Yapa,
Former Minister of Disaster Management,
Vidya Mawatha, Colombo 07.

26. Hon. Susil Premajayantha,
Minister of Science, Technology and
Research,
3rd Floor, Stage I,
Sethsiripaya, Battaramulla.

26A. Hon. Susil Premajayantha,
Former Minister of Science, Technology and
Research,
3rd Floor, Stage I,
Sethsiripaya, Battaramulla.

26B. Hon. Susil Premajayantha,
Minister of Education
"Isurupaya", Battaramulla.

27. Hon. (Dr.) Rajitha Senaratne
Minister of Health, Suwasiripaya,
No. 385,
Rev. Baddegama Wimalawansa Thero
Mawatha,
Colombo 10.

28. Hon. Ravi Karunanayake
Minister of Finance,
The Secretariat, Lotus Road,
Colombo 01

- 28A. Hon. Ravi Karunanayake,
Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Republic Building, Colombo 01.
- 28B. Hon. Ravi Karunanayake,
Former Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Republic Building, Colombo 01
29. Hon. Mahinda Samarasinghe
Minister of Skills Development and Vocational
Training,
"Nipunatha Piyasa",
354/2, Elvitigala Mawatha,
Narahenpita, Colombo 05.
- 29A. Hon. Mahinda Samarasinghe,
Hon. Minister of Ports and Shipping,
No. 19, Chaithya Road, Colombo 01.
30. Hon. Vajira Abeywardena,
Hon. Minister of Home Affairs,
Independence Square, Colombo 07.
31. Hon. S.B. Navinne,
Hon. Minister of Internal Affairs,
Wayamba Development and Cultural Affairs,
8th Floor, Sethsiripaya, Battaramulla.
- 31A. Hon. S.B. Navinne
Minister of Internal Affairs & Wayamba
Development,
8th Floor, Sethsiripaya, Battaramulla.

32. Hon. Rishad Bathiudeen
Hon. Minister of Industry and Commerce,
P.O. Box 570,
No. 73/1, Galle Road, Colombo 03.
33. Hon. Patali Champika Ranawaka,
Hon. Minister of Megapolis and Western
Development,
17th and 18th Floors, "SUHURUPAYA"
Subhuthipura Road, Battaramulla.
34. Hon. Mahinda Amaraweera
Minister of Fisheries and Aquatic Resources
Development,
New Secretariat, Maligawatta, Colombo 10.
- 34A. Hon. Mahinda Amaraweera,
Hon. Minister of Agriculture,
288, Sri Jayawardanapura Mawatha,
Rajagiriya.
- 34B. Hon. Mahinda Amaraweera,
Hon. Minister of Agriculture,
80/5, Govijana Mandiraya,
Rajamalwatta Road, Battaramulla.
35. Hon. Navin Dissanayake
Hon. Minister of Plantation Industries,
11th Floor, Sethsiripaya, 2nd Stage,
Battaramulla.
36. Hon. Ranjith Siyambalapitiya
Minister of Power and Renewable Energy,
No. 72, Ananda Coomaraswamy Mawatha,
Colombo 07.

37. Hon. Duminda Dissanayake,
Hon. Minister of Agriculture,
Govijaya Mandiraya, 80/5, Rajamalwatta
Avenue, Battaramulla.
- 37A. Hon. Duminda Dissanayake,
Minister of Irrigation and Water Resources
and Disaster Management,
No. 11, Jawatta Road, Colombo 05.
38. Hon. Vijith Vijayamuni Zoysa
Hon. Minister of Irrigation and Water
Resources Management,
No. 11, Jawatta Road, Colombo 05.
- 38A. Hon. Vijith Vijayamuni Zoysa,
Hon. Minister of Fisheries and Aquatic
Resources Development and Rural Economic
Affairs,
New Secretariat, Maligawatta, Colombo 10.
39. Hon. (Dr.) Wijayadasa Rajapaksa,
Hon. Minister of Buddha Sasana and Minister
of Justice,
No. 135, Sreemath Anagarika Dharmapala
Mawatha, Colombo 07.
- 39A. Hon. (Dr.) Wijayadasa Rajapaksa,
Minister of Higher Education and Cultural
Affairs,
No. 81, Ward Place, Colombo 07.
- 39B. Hon. (Dr.) Wijayadasa Rajapaksa,
Minister of Justice,

19, Sri Sanjaraja Mawatha, Colombo 10.

40. Hon. P. Harison,
Hon. Minister of Rural Economy,
No. 492, R.A. de Mel Mawatha, Colombo 03.
- 40A. Hon. P. Harison,
Minister of Social Empowerment,
1st Floor, Sethsiripaya, Stage II,
Battaramulla.
41. Hon. Kabir Hashim
Hon. Minister of Public Enterprises
Development Levels 13 & 37, West Tower,
World Trade Centre, Colombo 01.
42. Hon. Gayantha Karunathilaka,
Hon. Minister of Parliamentary Reforms and
Mass Media
Asidisi Medura, No. 163, Kirulapone
Mawatha, Polhengoda, Colombo 05.
- 42A. Hon Gayantha Karunathilaka
Hon. Minister of Lands and Parliamentary
Reforms,
Mihikatha Medura, Land Secretariat,
1200/6, Rajamalwatte Avenue, Battaramulla.
43. Hon. Sajith Premadasa
Hon. Minister of Housing and Construction
02nd Floor, Sethsiripaya, Battaramulla.
44. Hon. Arjuna Ranatunga
Hon. Minister of Ports and Shipping
No. 19, Chaithya Road, Colombo 01.

- 44A. Hon. Arjuna Ranatunga
Hon. Minister of Petroleum Resources
Development
No. 80, Sir Earnest De Silva Mawatha,
Colombo 07.
45. Hon. U. Palani Digambaram
Hon. Minister of Hill Country New Villages,
Infrastructure and Community Development
No. 45, St. Michaels Road, Colombo 03.
46. Hon. (Mrs.) Chandrani Bandara
Hon. Minister of Women and Child Affairs
Sethsiripaya (Stage II), 5th Floor,
Battaramulla.
47. Hon. (Mrs.) Thalatha Atukorala
Hon. Minister of Foreign Employment
No. 51/2/1, 2nd Floor, Assert Building,
York Street, Colombo 01.
- 47A. Hon. (Mrs.) Thalatha Atukorala
Hon. Minister of Justice and Prison Reforms
Superior Court Complex, Colombo 12.
48. Hon. Akila Viraj Kariyawasam
Hon. Minister of Education
Isurupaya, Pelawatta, Battaramulla.
49. Hon. M.H.A. Haleem
Hon. Minister of Posts, Postal Services and
Muslim Religious Affairs
6th and 8th Floors, Postal Headquarters
Building,

310, D.R. Wijewardana Road,
Colombo 10.

50. Hon. Faiszer Musthapha
Hon. Minister of Provincial Councils and Local
Government
No. 330, Union Place, Colombo 02.

50A. Hon. Faiszer Musthapha
Hon. Minister of Provincial Councils Local
Government and Sport
No. 330, Union Place, Colombo 02.

51. Hon. D.M. Swaminathan
Hon. Minister of Prison Reforms,
Rehabilitation, Resettlement and Hindu
Religious Affairs
No. 146, Galle Road, Colombo 03.

51A. Hon. D.M. Swaminathan
Hon. Minister of Resettlement, Rehabilitation,
Northern Development and Hindu Religious
Affairs
No. 356 B, Calwill Place, Galle Road,
Colombo 03.

52. Hon. Chandima Weerakkody
Hon. Minister of Petroleum Resources
Development
No. 80, Sir Earnest De Silva Mawatha,
Colombo 07.

- 52A. Hon. Chandima Weerakkody
Hon. Minister of Skills Development and
Vocational Training Nipunatha Piyasa,
354/2, Elvitigala Mawatha, Colombo 05.
- 52B. Hon. Chandima Weerakkody
Former Hon. Minister of Skills Development
and Vocational Training Nipunatha Piyasa,
354/2, Elvitigala Mawatha, Colombo 05.
53. Hon. Dayasiri Jayasekera Former
Hon. Minister of Sports
No.9, Philip Gunawardana Road, Colombo 07.
- 53A. Hon. Dayasiri Jayasekera
Former Minister of Sports
No.9, Philip Gunawardana Road, Colombo 07.
54. Hon. Sagala Ratnayake
Hon. Minister of Law & Order and Southern
Development
14th Floor, Suhurupaya, Battaramulla.
- 54A. Hon. Sagala Ratnayake
Hon. Minister of Youth Affairs, Project
Management and Southern Development
14th Floor, Suhurupaya, Battaramulla.
55. Hon. Harin Fernando
Hon. Minister of Telecommunication and
Digital Infrastructure 79/1, 5th Lane,
Colombo 3.

55A. Hon. Harin Fernando

Hon. Minister of Telecommunication, Digital
Infrastructure and Foreign Employment
79/1, 5th Lane Colombo 3.

55B. Hon. Harin Fernando

Hon. Minister of Tourism and Lands,
2nd Floor, Asset Arcade Building, 51/2/1,
York Street, Colombo 01.

56. Hon. Mano Ganesan

Hon. Minister of National Co-existence
Dialogue and Official Languages
40, Buthgamuwa Road, Rajagiriya,
P.O. Box 1566, Colombo.

56A. Hon. Mano Ganesan

Hon. Minister of National Integration
Reconciliation and Official Languages
40, Buthgamuwa Road, Rajagiriya.

57. Hon. Daya Gamage

Hon. Minister of Primary Industries
No.80/5, Govijana Mandiraya
Rajamalwatta Avenue, Battaramulla

57A. Hon. Daya Gamage

Hon. Minister of Social Welfare and Primary
Industries
No.80/5, Govijana Mandiraya
Rajamalwatta Avenue, Battaramulla.

58. Hon. Malik Samarawickrema
Hon. Minister of Development Strategies and
International Trade
6th Floor, West Tower,
World Trade Centre Colombo 1.
59. Field Marshal Hon. Sarath Fonseka
Hon. Minister of Sustainable Development,
Wildlife and Regional Development
Sino Lanka Tower,
No. 1090, Sri Jayawardhanapura Road,
Rajagiriya.
- 59A. field Marshall Hon. Sarath Fonseka
Hon. Minister of Sustainable Development,
Wildlife and Regional Development
Sino Lanka Tower,
No. 1090 Sri Jayawardhanapura Road,
Rajagiriya.
60. Hon. Thilak Janaka Marapana
Hon. Minister of Development Assignments
Office of the Cabinet of Ministers Republic
Square, Sir Baron Jayathilaka Mawatha,
Colombo 1.
- 60A.Hon. Thilak Janaka Marapana
Hon. Minister of Foreign Affairs
Republic Building,
Sir Baron Jayathilaka Mawatha, Colombo 1.
61. Sumith Abeysinghe
Secretary to the Cabinet of Ministers
Office of the Cabinet of Ministers,
Republic Square,

Sir Baron Jayathilaka Mawatha, Colombo 1.

61A. W.M.D.J. Fernando

Secretary to the Cabinet of Ministers,
Office of the Cabinet of Ministers,
Republic Square,
Sir Baron Jayathilake Mawatha, Colombo 01.

62. Hon. Ravindra Samaraweera

Hon. Minister of Labour and Trade Union
Relations
2nd Floor, Labour Secretariat Colombo 5.

63. Hon. Attorney General

Attorney General's Department,
Colombo 12.

RESPONDENTS

64. Hon. Mahinda Rajapaksa

Minister of Finance, Buddhasasana, Religious
& Cultural Affairs, and Urban Development
and Housing
The Secretariat, Colombo 1.

65. Hon Nimal Siripala de Silva

Minister of Labour
Mehewara Piyasa, Narahenpita,
Colombo 5

65A. Hon. Nimal Siripala Silva

Minister of Ports, Shipping and Aviation,
19, Chaithya Road, Colombo 01.

66. Hon. Prof. G. L. Peiris

Minister of Education

Isurupaya, Pelawatta, Battaramulla.

67. Hon. Pavithra Devi Wanniarachchi
Minister of Health
No. 385, Ven Baddegama Wimalawansa Mw,
Colombo 10.
- 67A. Hon. Pavithra Devi Wanniarachchi
Minister of Wildlife and Forest Resources,
1090, Sri Jayawardanepura Mw,
Rajagiriya.
68. Dinesh Gunawardena
Foreign Minister
Republic Building, Sir Baron Jayathilaka Mw,
Colombo 01
69. Douglas Devananda
Minister of Fisheries
New Secretariat, Maligawatta,
Colombo 10
70. Gamini Lokuge
Minister of Transport
7th Floor, Sethsiripaya,
Stage II, Battaramulla
71. Bandula Gunawardane
Minister of Trade
No. 27, CWE Secretariat Building,
Vauxhall Street,
Colombo 02
72. C.B. Rathnayake
Minister of Wildlife & Forest Conservation

No. 1090, Sri Jayawardenapura Mawatha
Rajagiriya.

73. Janaka Bandara Thennakoon

Minister of Public Services, Provincial Councils
and Local Governments
Independence Square,
Colombo 07.

74. Keheliya Rambukwella

Minister of Mass Media
No 163, "Asidisi Medura",
Kirulapone Avenue, Polengoda,
Colombo 05

74A. Keheliya Rambukwella

"Suwasiripaya"
385, Rev Badeegama Wimalawansa Road,
Colombo 10

75. Chamal Rajapakse

Minister of Irrigation
No. 500, 10th Floor, T.B. Jaya Mawatha,
Colombo 10

76. Dullas Alahapperuma

Minister of Power
No. 72, Ananda Coomaraswamy Mawatha.
Colombo 07.

77. Jonstan Fernando

Minister of Highways
9th Floor,
"Maganeguma Mahamedura"
Denzil Kobbekaduwa Mawatha,

Koswatta, Battaramulla.

78. Wimal Weerawansa
Minister of Industries
No. 73/1, Galle Road
Colombo 03
79. Mahinda Amaraweera
Minister of Environment
416/C/1,
"Sobadam Piyasa", Robert Gunawardena
Mawatha, Battaramulla
80. S. M. Chandrasena
Minister of Lands
"Mihikatha Medura"
Land Secretariat,
No. 1200/6, Rajamalwatta Avenue,
Battaramulla.
81. Mahindananda Althuamage
Minister of Agriculture
"Govijana Mandiraya"
80/5, Rajamalwatte Lane
Battaramulla.
82. Wasudewa Nanayakkara
Minister of Water Supply
No. 35, "Lakdiya Medura",
New Parliament Road, Pelawatta,
Battaramulla
83. Udaya Prabhath Gammanpila
Minister of Energy

No. 80, Sir Ernest De Silva Mawatha,
Colombo 07

84. Dr. Ramesh Pathirana

Minister of Plantation

11th Floor, Stage II, "Sethsiripaya",
Battaramulla.

85. Prasanna Ranatunga

Minister of Tourism

6th Floor, No 21, Rakshana Mandiraya,
Vauxhall Street, Colombo 02

85A. Prasanna Ranatunga

Minister of Urban Development and Housing

17th Floor, "Suhurupaya"
Sri Subhuthipura Road,
Battaramulla

86. Rohitha Abeygunawardana

Minister of Ports and Shipping

No. 19, Chaithya Road,
Colombo 01

87. Namal Rajapakse

Minister of Youth and Sports

No. 09, Philip Gunawardana Mawatha,
Colombo 07

88. Sarath Weerasekara

Minister of Public Security

14th Floor, Suhurupaya,
Battaramulla

89. Hon. Ali Sabry
Minister of Foreign Affairs
Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 01
90. Hon Vidura Wickramanayake
Minister of Buddhasasana, Religious and
Cultural Affairs
135, Srimath Anagarika Dharmapala Mw,
Colombo 07
91. Hon Kanchana Wijesekera
Minister of Power and Energy
437, Galle Road, Colombo 03
92. Hon Naseer Ahamed
Minister of Environment
416/C/1, "Sobadam Piyasa"
Robert Gunewardane Mawatha,
Battaramulla
93. Hon Roshan Ranasinghe
Minister of Irrigation
500, 10th Floor, T.B. Jaya Mawatha,
Colombo 10.
94. Hon. Manusha Nanayakkara
Minister of Labour and Foreign Employment,
6th Floor, "Mehewara Piyasa"
Narahenpita, Colombo 5.
95. Hon. Tiran Alles
Minister of Public Security,
14th Floor, "Suhurupaya", Battaramulla.

96. Hon Nalin Fernando
Minister of Trade, Commerce, and Food
Security,
492, L.H. Piyasena Building,
R.A. De Mel Mawatha,
Colombo 3

97. Hon Jeevan Thondaman
Minister of Water Supply and Estate
Infrastructure Development,
35, "Lakdiva Medura"
New Parliament Road,
Pelawatta, Battaramulla.

ADDED-RESPONDENTS

Before : **P. PADMAN SURASENA, J**
ARJUNA OBEYESEKERE, J
K. PRIYANTHA FERNANDO, J

Counsel : Rienzie Arrseculeratne PC for the Petitioners
Rajiv Goonetilleke DSG for the Respondents

Argued on : 21-07-2023

Decided on : 20-03-2024

P. Padman Surasena J

According to the amended Petition dated 25-09-2018, the Petitioners *inter alia*, have stated that they were initially appointed to the Department of Motor Traffic on a piece-rate basis as clerks, but thereafter received permanent appointments with effect from 01-12-2005. They

have annexed their letters of appointment marked **P1(1)-P(59)**. The Petitioners have also stated that they currently serve as clerks at the Department of Motor Traffic.

Upon the cabinet memorandum submitted by the Minister of Transport and Civil Aviation, the Cabinet of Ministers on 21-03-2017, had decided as a matter of policy in terms of paragraph (1) of Article 55 of the Constitution, to absorb the Petitioners to the posts in the Combined Service which would be similar to their present posts and to transfer the Petitioners out of the Department of Motor Traffic. Accordingly, the Cabinet of Ministers had instructed the Secretary of the Ministry of Transport and Civil Aviation, to take action on a phased-out basis, without interruption to the day-to-day activities of the Department of Motor Traffic, in consultation with the Secretary, Ministry of Public Administration and Management; Director General of Combined Services; and other relevant authorities, to absorb the Petitioners to the Combined Service.

The Petitioners in their amended Petition have also stated the following:

- (i) Public servants who belong to various all-island services who serve on rotational transfers have limited experience regarding some of the functions at the Department of Motor Traffic.
- (ii) The Petitioners had been working in the Department of Motor Traffic since their date of appointment and as a result they are more experienced than the officers who come to the Department on transfers.

It is the position of the Petitioners in the instant case, that they have joined the Department of Motor Traffic because it was a service within the Department itself as opposed to an all-island service. It is on that basis that the Petitioners have sought to assert that they had a legitimate expectation to continue to work in the Department of Motor Traffic and that they cannot be transferred out of the Department. It is on the above basis that the Petitioners have sought to challenge the Cabinet decision dated 21-03-2017 and have prayed in their Petition *inter alia* for the following main reliefs:

- (a) Declaration that there is an infringement of the Petitioners' Fundamental Rights guaranteed by Article 12(1), 12(2) and 14(1)(g) of the Constitution by the 1st to 62nd Respondents or any one or more of them;
- (b) Declaration that the Cabinet Decision dated 21-03-2017 to transfer the Petitioners out from the Department of Motor Traffic is null and void;
- (c) Declaration that the Cabinet Decision dated 21-03-2017 to absorb the Petitioners to the Combined Service is null and void;
- (d) Declaration that the Cabinet Decision dated 21-03-2017 to retire the Petitioners under the Minutes on Pension is null and void;

- (e) Declaration that the Cabinet Decision dated 21-03-2017 to transfer the Petitioners to the Ministry of Transport out from the Department of Motor Traffic is null and void;*
- (f) Declaration that the Public Administration Circular No. 05/2018 (later changed to Circular No.23/2018) to absorb the Petitioners to the combined service and/or Management Assistant's Service is null and void;*
- (g) Declaration that the aforesaid Public Administration Circular No. 05/2018 (later changed to Circular No. 23/2018) to retire the Petitioners under the Minutes on Pensions is null and void;*
- (h) Declaration that the aforesaid Public Administration Circular No. 05/2018 (later changed to Circular No. 23/2018) to transfer the Petitioners to the Ministry of Transport out from the Department of Motor Traffic is null and void.*

The Petitioners have produced the decision of the Cabinet of Ministers dated 21-03-2017 marked **P 14(c)**. The Respondents have also produced the same marked **R 15** and also produced the relevant Cabinet Memorandum submitted to the Cabinet of Ministers by the Minister of Transport and Civil Aviation (Cabinet Paper No. 17/03/07/709/018 dated 06-02-2017) marked **R 12(a)**.

The 1st Respondent, the Secretary of the Ministry of Transport and Civil Aviation has filed the affidavit dated 26-07-2019, explaining to court, the background of facts which had led to the decision of the Cabinet of Ministers which is being impugned by the Petitioners in the instant case. According to the said affidavit, the Petitioners were initially casual employees of the Department of Motor Traffic who were provided work on a piece-rate basis in or around 1998 and their services were thereafter extended annually. Their services were due to be terminated on 29-02-2004. However, on compassionate grounds, the then Minister of Transport had recommended to the Cabinet of Ministers to absorb those piece-rate workers who have necessary qualifications to the Combined Service. Having considered the relevant Cabinet Memorandum in that regard, (Cabinet Memorandum dated 04-03-2005, produced marked **R 1**), the Cabinet of Ministers had decided to extend the services of the piece-rate workers for a period of one year from 28-02-2005 and to appoint a committee to report to the Cabinet of Ministers to explore the possibility of confirming their employment. The said decision of the Cabinet of Ministers dated 31-03-2005 has been produced marked **R 2**. After the said committee submitted its report, the Cabinet of Ministers having considered the recommendations of the said committee, has approved the said recommendations by its decision dated 15-06-2005, produced marked **R 3** to confirm the employment of the aforesaid casual workers employed on a piece-rate basis.

That being the background as to how the Petitioners came to be employed in the Department of Motor Traffic, the Petitioners now challenge the decision on 21-03-2017 made by the Cabinet of Ministers. As the Cabinet of Ministers on 21-03-2017 had decided to absorb the Petitioners to the posts in the Combined Service which would be similar to their present posts and to transfer the Petitioners out of the Department of Motor Traffic as a matter of policy in terms of paragraph (1) of Article 55 of the Constitution, let me at this stage, briefly set out here, the power vested in the Cabinet of Ministers to determine matters of policy relating to Public Officers. The 18th Amendment to the Constitution which was certified on 09th September 2010, repealed hitherto existed Article 55 and replaced it with new Article 55 which is as follows;

55. (1) The Cabinet of Ministers shall provide for and determine all matters of policy relating to public officers, including policy relating to appointments, promotions, transfers, disciplinary control and dismissal.

(2) The appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department shall, vest in the Cabinet of Ministers.

(3) Subject to the provisions of the Constitution, the appointment, promotion, transfer, disciplinary control and dismissal of public officers shall be vested in the Public Service Commission.

(4) The Commission shall not derogate from the powers and functions of the Provincial Public Service Commissions as are established by law.

(5) The Commission shall be responsible and answerable to Parliament in accordance with the provisions of the Standing Orders of Parliament for the exercise and discharge of its powers and functions. The Commission shall also forward to Parliament in each calendar year, a report of its activities in respect of such year.

Thus, the Cabinet of Ministers continued to retain the power in relation to appointment, transfer, dismissal and disciplinary control of the Heads of Departments and also retained the power to provide for and determine all matters of policy relating to public officers. Article 55 (5) introduced by the 17th Amendment to the Constitution states that the Public Service Commission will carry out its affairs according to the policies laid down by the Cabinet of Ministers and the Public Service Commission is answerable to the parliament in regard to carrying out of its functions.

As has been pointed out by the 1st Respondent, the Committee on Public Accounts (of the Parliament) during the period 2016-2017 had called upon the Department of Motor Traffic and the Ministry of Transport and Civil Aviation to explain a number of irregularities taking place within the Department of Motor Traffic. The 1st Respondent has substantiated this by

producing the relevant copies of the relevant minutes of the Committee on Public Accounts meetings marked **R 13(a)-R 13(d)**. It was thereafter that the Committee on Public Accounts having considered the material adduced before it had directed that all officers serving in the Department of Motor Traffic for more than five years, should be transferred. It was on the said direction that the Minister of Transport and Civil Aviation had submitted the cabinet memorandum dated 06-02-2017 (**R 14**) to the Cabinet of Ministers. The Cabinet of Ministers had approved the relevant recommendation by its decision dated 29-03-2017 (**R 15**). Thus, it is the position of the Respondents that the Cabinet decision dated 29-03-2017 (**R 16**) is a policy decision that the Cabinet of Ministers had made exercising their powers vested in them under Article 55 of the Constitution. It is also the position of the Respondents that the circular dated 29-08-2018 and 20-08-2018 marked **R 18(a)** to **R 18(b)** respectively are mere circulars issued by the Ministry of Public Administration, setting out the methodology to implement the relevant decisions of the Cabinet of Ministers.

The Respondents through the affidavit filed by the 1st Respondent and by producing the relevant documents and the minutes of the proceedings before the Committee on Public Accounts and also the subsequent correspondence, have established that it was necessary to take certain measures to address the rampant corruption in the Department of Motor Traffic. It is in that backdrop that the Minister of Transport and Civil Aviation had initiated a process through a cabinet memorandum to enable the Cabinet of Ministers to decide a suitable action to be taken to address the issue of serious incidents of corruption taking place within the Department of Motor Traffic. Although this court has granted a number of postponements on the applications made by the Petitioners to enable the Petitioners to file counter objections, the Petitioners have not sought to controvert the positions taken up by the 1st Respondents in his affidavit by filing counter affidavits. Indeed, I observe that even after this case has been fixed for argument, the court has made available this opportunity for the Petitioners to file counter affidavits on several occasions before it finally fixed this case for hearing on 21-07-2023. In view of the above, the assertions made by the Respondents with regard to the background facts which had led to the decision of the Cabinet of Ministers to transfer the relevant employees out of the Department of Motor Traffic, would stand uncontroverted.

It is to implement the said Cabinet Decision that the 1st Respondent had issued the circular dated 24-08-2018, produced marked **P17**.

I observe that the Cabinet of Ministers had taken this decision with a view to address serious incidents of corruption prevailing in the Department of Motor Traffic. The Cabinet of Ministers had not made this decision in a way that it would treat several officers in a discriminatory manner. The decision to transfer the employees is applicable to that category of employees without any exception. Moreover, one must bear in mind that it is also by way of a Cabinet decision that the Petitioners have been granted confirmation in their posts in the Department of Motor Traffic in a manner that those appointments would be personal to them. Thus, if the Cabinet of Ministers could make that policy at that time, I am unable to hold that it is not open for the Cabinet of Ministers to alter that policy subsequently, particularly in view of the presence of a grave problem affecting the whole country. The Petitioners cannot be allowed to take the benefit of one Cabinet decision confirming them in their positions when they were on the verge of losing their employments as piece rate workers and then attack a similar policy being made by the Cabinet of Ministers subsequently, the effect of which, is merely to attach them to the combined service which is a right thing to do under the prevailing circumstances. Having regard to the circumstances described above, I am satisfied that the evidence adduced in the instant case has disclosed that the Cabinet of Ministers had exercised the power vested in them by Article 55 of the Constitution in good faith. The Cabinet of Ministers had exercised that power in what they believed to be the best interests of the country as a whole. Therefore, I conclude that the Cabinet of Ministers on 21-03-2017 had decided to absorb the Petitioners to the posts in the Combined Service which would be similar to their present posts and to transfer the Petitioners out of the Department of Motor Traffic as a matter of policy in terms of the power vested in it by Article 55 (1) of the Constitution.

In the case of Abeywickrema Vs. Pathirana & others,¹ delivering the majority judgment of Court in 1986, Chief Justice Sharvananda interpreting Article 55(4) of 1978 Constitution as it stood before the 17th Amendment to the Constitution, went on to state in his judgment the following;

"Article 55(4) empowers the Cabinet of Ministers to make rules for all matters relating to public officers, without impinging upon the overriding powers of pleasure recognised under Article 55(1). Matters relating to 'public officer' comprehends all matters relating to employment, which are incidental to employment and form part of the terms and conditions of such employment, such as provisions as to salary, increments, leave, gratuity, pension, and of superannuity, promotion and every termination of employment and removal from service. The power conferred on the

¹ 1986 (1) Sri L. R. 120 at page 138.

Cabinet of Ministers is a power to make rules which are general in their operation though they may be applied to a particular class of public officers. This power is a legislative power and this rule making function is for the purpose identified in Article 55(4) of the Constitution as legislative not executive or judicial in character."

This Court cannot directly or indirectly assist to stop the remedial action taken by the Cabinet of Ministers to avert serious acts of corruption taking place in the Department of Motor Traffic. Such an action by this court would indeed negate the advancement of equal protection of law principle enshrined in Article 12 (1) of the Constitution.

Let me conclude this judgment citing the following passage from the judgment of Her Ladyship Justice Shirani Bandaranayake (as she then was) in the case of Farook Vs Dharmaratne, Chairman, Provincial Public Service Commission, Uva and others.²

The petitioner's relief sought from this Court is to declare that his transfer as Principal of Pitarathmale No. 1 Tamil Vidyalaya, Haputale and the 6th respondent's transfer as Principal of Sri Razick Fareed Maha Vidyalaya, Bandarawela are null and void. In view of the forgoing analysis of the material placed before this Court the petitioner has no right to be the Principal of Razick Fareed Maha Vidyalaya as he has not got the requisite qualifications. However, the petitioner quite clearly has sought to obtain relief on the basis of unequal treatment. When a person does not possess the required qualifications that is necessary for a particular position, would it be possible for him to obtain relief in terms of a violation of his fundamental rights on the basis of unequal treatment ? If the answer to this question is in the affirmative, it would mean that Article 12(1) of the Constitution would be applicable even in a situation where there is no violation of the applicable legal procedure or the general practice. The application of Article 12(1) of the Constitution cannot be used for such situations as it provides to an aggrieved person only for the equal protection of the law where the authorities have acted illegally or incorrectly without giving due consideration to the applicable guidelines. Article 12(1) of the Constitution does not provide for any situation where the authorities will have to act illegally. The safeguard retained in Article 12(1) is for the performance of a lawful act and not to be directed to carry out an illegal function. In order to succeed the petitioner

² 2005 (1) Sri L. R. 133 at page 140.

must be in a position to place material before this Court that there has been unequal treatment within the framework of a lawful act.

In these circumstances and for the foregoing reasons, I conclude that there is no merit in this Petition and the Petitioners are therefore not entitled to succeed with the prayers in their Petition. Accordingly, I proceed to dismiss this Petition with costs.

JUDGE OF THE SUPREME COURT

ARJUNA OBEYSEKERE J

I agree,

JUDGE OF THE SUPREME COURT

K. PRIYANTHA FERNANDO J

I agree,

JUDGE OF THE SUPREME COURT