

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 288/2015

Daya Shanthapriya Gunawardena
No. 101/1,
2/2,
Senior Police Officers Quarters,
Kew Road,
Colombo 2.

PETITIONER

-Vs-

1. His Excellency Maithripala Sirisena
Minister of Defense,
Mahaweli Development and Environment,
No. 15/5,
Baladaksha Mawatha,
Colombo 05.
2. Hon. Ranil Wickremasinghe
Minister of Policy Planning, Economic Affairs,
Child, Youth and Cultural Affairs,
'Times Building'
Bristol Street,
Colombo 01.
3. Hon. John Amarathunga
Minister of Public Order and Christian Affairs

Floor 13,
"Sethsiripaya",
Stage II,
Battaramulla.

4. Hon. Joseph Michael Perera
Minister of Home Affairs,
New Secretariat,
Maligawatte,
Colombo 10.
5. Hon. Gamini Jayawickrema Perera
Minister of Food Security,
No. 27,
8th floor,
CWE Secretariat Building,
Colombo 2.
6. Hon. Mangala Samaraweera
Minister of Foreign Affairs
Republic Building,
Colombo 1.
7. Hon. S. B. Dissanayake
Minister of Rural Economic Affairs
780,
Maradana Road,
Colombo 10.
8. Hon. A. H. M. Fowzie
Minister of Disaster Management
Vidya Mawatha,

Colombo 7.

9. Hon. (Dr.) Sarath Amunugama
Minister of Higher Education and Research
18,
Ward Place,
Colombo 7.

10. Hon. Reginold Cooray
Minister of Aviation,
7th floor,
"Sethsiripaya" Stage ii,
Battaramulla.

11. Hon. Karu Jayasuriya
Minister of Buddha Sasana, Public
Administration, Local Government and
Democratic Governance
Independence Square,
Colombo 7.

12. Hon. Lakshman Kiriella
Minister of Plantation Industries
11th floor,
"Sethsiripaya",
Battaramulla.

13. Hon. Ravi Karunanayake
Minister of Finance
The Secretariat,
Colombo 1.

14. Hon. Janaka Bandara Tennakoon
Minister of Provincial Councils and Regional
Development
330,
Union Place,
Colombo 2.

15. Hon. Felix Perera
Minister of Special Projects
80/5,
"Govijana Mandeeraya",
Rajamalwatte,
Battaramulla.

16. Hon. S. B. Navinne
Minister of Labour
2nd floor,
Labour Secretariat,
Colombo 5.

17. Hon. Piyasena Gamage
Minister of Skills Development and
Vocational

18. Hon. Rauff Hakeem
Minister of Urban Development, Water
Supply and Drainage
"Lakdiya Medura"
35,
Pelawatta,
Battaramulla.

19. Hon. Patali Champika Ranawaka
Minister of Power and Energy
72,
Ananda Coomaraswamy Mawatha,
Colombo 7.

20. Hon. (Dr.) Rajitha Senaratne
Minister of Health and Indigenous Medicine
385,
"Suwasiripaya",
Ven. Wimalarathana Thero Mawatha,
Colombo 10.

21. Hon. Duminda Dissanayake
Minister of Agriculture
"Govijana Mandeeraya",
80/5,
Rajamalwatte Lane,
Battaramulla.

22. Hon. Gamini Vijith Vijayamuni Soyza
Minister of Irrigation
"Govijana Mandeeraya",
80/5,
Rajamalwatte Lane,
Battaramulla.

23. Hon. Kabir Hashim
Minister of Highways and Investment
Promotion
9th floor,
"Sethsiripaya",

Battaramulla.

24. Hon. M. K. A. D. S. Gunawardana
Minister of Lands
"Mihikatha Medura",
Land Secretariat,
No. 1200/6,
Rajamalwatte Lane,
Battaramulla.
25. Hon. Sajith Premadasa
Minister of Housing and Samurdhi
2nd floor,
"Sethsiripaya",
Battaramulla.
26. Hon. (Dr.) Wijayadasa Rajapaksha
Minister of Justice
Superior Court Complex,
Colombo 12.
27. Hon. Gayantha Karunathilaka
Minister of Mass Media
No. 163,
Kirulapana Mawatha,
Polhengoda,
Colombo 5.
28. Hon. Navin Dissanayake
Minister of Tourism and Sports
No. 9,
Philip Gunawardena Mawatha,

Colombo 7.

29. Hon. Mahinda Amaraweera

Minister of Fisheries and Aquatic Resources
Development
New Secretariat,
Maligawatte,
Colombo 10.

30. Hon. Arjuna Ranatunga

Minister of Ports and Shipping
No. 19,
Chaithya Road,
Colombo 1.

31. Hon. Rishad Bathiudeen

Minister of Industry and Commerce
73/1,
Galle Road,
Colombo 3.

32. Hon. U. Palani Digambaram

Minister of Plantation Infrastructure
Development
75,
St. Michael Road,
Colombo 3.

33. Hon. D. M. Swaminathan

Minister of Resettlement, Reconstruction and
Hindu Religious Affairs
146,

Galle Road,
Colombo 3.

34. Hon. Akila Viraj Kariyawasam
Minister of Education
"Isurupaya",
Pelawatte,
Battaramulla.

35. Hon. (Mrs.) Thalatha Atukorala
Minister of Foreign Employment
12th floor,
Central Bank Building,
Colombo 1.

36. Hon. R. M. Ranjith Madduma Bandara
Minister of Internal Transport
No. 1,
D. R. Wijewardena Mawatha,
Colombo 10.

37. Hon. P. Harisan
Minister of Social Services, Welfare and
Livestock Development
1st floor,
Stage ii,
"Sethsiripaya",
Battaramulla.

38. Hon. (Mrs.) Chandrani Bandara
Minister of Women's Affairs
3rd floor,

Stage ii,
"Sethsiripaya",
Battaramulla.

39. Mr. Sumith Abeysinghe
Secretary to the Cabinet of Ministers
Office of the Cabinet of Ministers,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 1.

39. (i) Mr. W. M. D. J. Fernando
Secretary to the Cabinet of Ministers.

40. Hon. Lakshman Yapa Abeywardena
Minister of Parliamentary Affairs
464 B,
Pannipitiya Road,
Pelawatte,
Battaramulla.

41. Mr. Gamini Navaratna
Senior Deputy Inspector General of Police
Police Headquarters,
Colombo 1.

42. Mr. N. K. Illangakoon
Inspector General of Police
Police Headquarters,
Colombo 1.

42. (i) C. D. Wickramaratne

Inspector General of Police
Police Headquarters,
Colombo 1.

43. Hon. M. H. A. Haleem
Minister of Muslim Religious Affairs and Posts
7th floor,
Postal Headquarters building,
310,
D. R. Wijewardena Mawatha,
Colombo 10.

43. (a) Hon. Ranil Wickremasinghe
Minister of Defence
Minister of Finance, Economic stabilization
and National Policies
Minister of Women, Child and Social
Empowerment
Minister of Technology
Minister of Investment Promotions
Presidential Secretariat,
Old Parliament building,
Colombo 1.

43. (b) Hon. Dinesh Gunawardena
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government
Prime Minister's Office,
No. 58,
Sir Earnest De Silva Mawatha,
Colombo 7.

43. (c) Hon. Nimal Siripala De Silva
Minister of Ports, Shipping and Aviation
No. 19,
Chaithya Road,
Colombo 1.
43. (d) Hon. (Mrs.) Pavithra Devi Wanniarachchi
Minister of Wildlife and Forest Resources
Conservation
No. 1090,
Sri Jayawardenapura Mawatha,
Rajagiriya.
43. (e) Hon. Douglas Devananda
Minister of Fisheries
New Secretariat,
Maligawatte,
Colombo 10.
43. (f) Hon. Dr. Susil Premajayantha
Minister of Education
"Isurupaya",
Battaramulla.
43. (g) Hon. Dr. Bandula Gunawardena
Minister of Transport and Highways
Minister of Mass Media
9th floor,
"Maganeguma Mahamedura",
Denzil Kobbekaduwa Mawatha,
Koswatta,

Battaramulla.

43. (h) Hon. Dr. Keheliya Rambukwella
Minister of Environment
No. 416/C/1,
"Sobadaham Piyasa"
Robert Gunawardena Mawatha,
Battaramulla.
43. (i) Hon. Mahinda Amaraweera
Minister of Agriculture and Plantation
Industries
80/5,
"Govijana Mandiraya",
Rajamalwatte Road,
Battaramulla.
43. (j) Hon. Dr. Wijedasa Rajapakshe
Minister of Justice, Prison Affairs and
Constitutional Reforms
No. 19,
Sri Sangaraja Mawatha,
Colombo 10.
43. (k) Hon. Harin Fernando
Minister of Tourism and Lands
Minister of Sports and Youth Affairs
No. 696/4,
Maradana Road,
Colombo 10.
43. (l) Hon. Dr. Ramesh Pathirana

Minister of Health
Minister of Industries
"Suwasewana",
No. 385,
Rev. Baddegama Wimalawansa Thero
Mawatha,
Colombo 10.

43. (m) Hon. Prasanna Ranatunga
Minister of Urban Development and Housing
17th floor,
"Suhurupaya",
Sri Subhuthipura Road,
Battaramulla.

43. (n) Hon. Ali Sabry
Minister of Foreign Affairs
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 1.

43. (o) Hon. Vidura Wickramanayake
Minister of Buddhasasana, Religious and
Cultural Affairs
No. 135,
Srimath Anagarika Dharmapala Mawatha,
Colombo 7.

43. (p) Hon. Kanchana Wijesekera
Minister of Power and Energy
No. 437,
Galle Road,

Colombo 3.

43. (q) Hon. Roshan Ranasinghe

Minister of Irrigation

No. 09,

Philip Gunawardena Mawatha,

Colombo 7.

43. (r) Hon. Manusha Nanayakkara

Minister of Labour and Foreign Employment

6th floor,

Mehewara Piyasa,

Narahenpita,

Colombo 5.

43. (s) Hon. Tiran Alles

Minister of Public Security

14th floor,

"Suhurupaya",

Battaramulla.

43. (t) Hon. Jeewan Thondaman

Minister of Water Supply and Estate
Infrastructure Development

No. 35,

"Lakdiya Mediya",

New Parliament Road,

Pelawatte,

Battaramulla.

43. (u) Hon. Nalin Fernando

Minister of Trade, Commerce and Food

Security
No. 465,
L. H. Piyasena Building,
R. A. De Mel Mawatha,
Colombo 3.

44. Mr. Senaka Walgampaya, PC
Chairman
National Police Commission.

45. Ven. Elle Gunawansa Thero
Member,
National Police Commission.

46. Mr. D. Dissanayaka
Member,
National Police Commission.

47. Mrs. Charmaine Madurasinghe
Member,
National Police Commission.

48. Mr. R. Sivaraman
Member,
National Police Commission.

49. Mr. M. M. M. Mowjood
Member,
National Police Commission.

50. Mr. Newton Gunaratne
Member,

National Police Commission.

- 50. (i) Mr. E. W. M. Lalith Ekanayake - Chairman.
- 50. (ii) Mrs. D. K. Renuka Ekanayake - Member.
- 50. (iii) Mr. Kanapathipillai Karunaharan - Member.
- 50. (iv) Mr. G. P. Sarath Gamini De Silva - Member.
- 50. (v) Mr. Dilshan Kapila Jayasuriya - Member.
- 50. (vi) Mr. A. A. M. Illiyas, PC - Member.

50 (i) to 50 (vi) Respondents - Parties sought to be added as the incumbent members of the National Police Commission appointed on 16-05-2023.

51. Mr. N. A. Cooray
Secretary,
National Police Commission.

51. (i) Mrs. Thamara D. Perera
Secretary,
National Police Commission.

44th to 51st Respondents : All of :
National Police Commission
Block No. 3,
BMICH Premises,
Buddhaloka Mawatha,
Colombo 7.

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

RESPONDENTS

BEFORE : **P. PADMAN SURASENA, J**
E. A. G. R. AMARASEKARA, J
MAHINDA SAMAYAWARDHENA, J.

COUNSEL : Uditha Egalahewa, PC with Amaranath Fernando for the Petitioner.

Fazli Razik, DSG for the Respondents.

ARGUED ON : 20-06-2024

DECIDED ON : 14-03-2025

P. PADMAN SURASENA, J.

The Petitioner, at the time of filing this case, was a Deputy Inspector General of Police. He was appointed to that post with effect from 20-06-2014.

1st - 38th Respondents are members of the Cabinet of Ministers; 39th Respondent is the Secretary to the Cabinet of Ministers; 40th Respondent is the Inspector General of Police; 42nd Respondent is the Secretary to the National Police Commission; 43rd Respondent is the Secretary to the Ministry of Public Order and Christian Affairs; 44th Respondent is the Hon. Attorney General.

The Petitioner has cited the 44th Respondent (Hon. Attorney General) in this Petition both in terms of Article 35(1) and Article 134 of the Constitution.

The Petitioner in this Case seeks to challenge an extension of service granted on contract basis, to the 41st Respondent, to enable the 41st Respondent who is a Deputy Inspector General of Police, to continue in service beyond the compulsory age of his retirement.

Upon this Petition being supported, having considered the submissions of Counsel, Court by its order dated 12-08-2015, has decided to grant Leave to Proceed on the alleged infringement of

Petitioner's Fundamental Rights guaranteed under Article 12(1) and Article 14(1)(g) of the Constitution.

The Petitioner was due to attain the retirement age of 60 years on or about 21-07-2015.¹ Out of the twenty four Deputy Inspectors General of Police in their seniority list as at 03-06-2015, the Petitioner was at that time, the most senior Deputy Inspector General of Police. The Petitioner has produced the said seniority list marked **P4**. Thus, the Petitioner claims that he was the officer next in line to be promoted as the Senior Deputy Inspector General of Police to fill the vacancy that was to be created by the retirement of the 41st Respondent from service. The Petitioner has claimed this expectation on the basis that he has possessed an unblemished record in his career.

Upon the Cabinet Memorandum dated 09-06-2015 submitted by the Hon. Minister of Public Order and Christian Affairs titled "Re-employment on contract basis - Senior Deputy Inspector General of Police - Mr. Gamini Nawarathne" (the 41st Respondent), the Cabinet of Ministers, has decided to grant approval to the following:

- (i) to re-employ Mr. B. K. G. Nawaratne, Senior Deputy Inspector General of Police, after his retirement, on contract basis, for a period of one (01) year with effect from 21-07-2015;*
- (ii) to pay him a monthly allowance in terms of the provisions of P. A. Circular No. 09/2007; and*
- (iii) to provide him with other facilities entitled to the post.*

The Cabinet of Ministers has made this decision at its meeting held on 10-06-2015.

In the course of the argument, Counsel appearing for the Petitioner placed reliance on the document (marked **R2**) produced by the 39th Respondent who is the Secretary to the Cabinet of Ministers. The 39th Respondent has annexed the said document to his affidavit dated 18-09-2015. This document (**R2**) is the letter dated 25-05-2015 sent by the Hon. Attorney General addressed to the Secretary of the Public Service Commission. In the said letter, the Hon. Attorney General has taken the view that the Public Service Commission cannot exercise and discharge any powers

¹ Paragraph 15 of the Amended Petition dated 28-07-2015.

referred to in Section 49(4) and 49(5) of the 19th Amendment in relation to Police Officers with effect from 15-05-2015 which was the date on which the 19th Amendment to the Constitution came into operation.

Cabinet of Ministers at its meeting held on 10-06-2015, having considered the letter dated 09-06-2015 sent to it by the Secretary of the Public Service Commission, has decided that the Cabinet of Ministers must exercise the aforesaid powers in respect of the Police Officers in view of the fact that the relevant authority had failed to constitute the National Police Commission as at that time. The 39th Respondent (Secretary to the Cabinet of Ministers) has produced this Cabinet Decision marked **R4** annexing the same to his affidavit dated 18-09-2015. I observe that the advice of the Hon. Attorney General (**R2**) was available before the Cabinet of Ministers when it made the decision in **R4**.²

Clause 17 of the Minutes on Pensions produced by the Petitioner marked **P6(c)** is as follows:

“Compulsory Retirement

17. Every public servant may be required to retire from the public service on or after attaining the age of fifty-five years. Retirement shall be compulsory for every public servant other than a Judge of the Supreme Court on his attaining the age of sixty years, unless the competent authority decides that his services shall be retained.

In the case of midwives and female vaccinators of the Department of Health, retirement shall be compulsory on attaining the age of fifty-five years unless the competent authority decides that the officer’s services shall be retained.

17A. For the purposes of sections 12, 15 and 17, the expression “competent authority” means the authority competent to make appointments to the office held by any public servant referred to in those sections.”

Thus, it is only the authority competent to make appointments to the office held by the 41st Respondent which has the power to decide to continue to retain the service of the 41st Respondent

² Clause 58 (iii) at page 2 of the Cabinet Decision dated 10-06-2015.

after his retirement age. The said authority is the National Police Commission and not the Cabinet of Ministers.

The Petitioner has also produced before this Court, a copy of Procedural Rules made by the Public Service Commission published in the Gazette Extraordinary No. 1589/30 dated 20-02-2009 marked **P6(b)**. Even according to the said rules, the power to re-employ a person who has retired from the public service is vested exclusively with the Public Service Commission. The relevant rules are as follows;

“

Chapter XIII

Re-employment of a person retired from the Public Service

154. *The power to re-employ a person who has retired from the public service vests exclusively with the Public Service Commission.*
156. *A person who has retired from public service before reaching compulsory age of retirement will not be re-employed in a post in the public service except under exceptional circumstances. If such a person is re-employed it shall be done on the basis of freezing his pension until he reaches the date of compulsory retirement.*
157. *A person who has retired from the public service may be re-employed only on contract basis. Such an appointment shall be limited to a maximum period of one year at a time. The letter of appointment shall be prepared as per the specimen in appendix 02.*
175. *The retirement of a public officer is governed by the Public and Judicial Officers (Retirement) Ordinance, Rules made under that Ordinance, Minutes on Pensions, and by the policy decisions of Cabinet of Ministers.”*

However, I have shown above that the Public Service Commission is not the authority which can exercise the impugned power relevant to the instant case. i.e., the power to re-employ the 41st Respondent on contract basis, for a period of one year, after his retirement.

The 41st Respondent in his affidavit dated 28-11-2015 has relied on the following in his attempt to justify the extension of service granted to him by the Cabinet of Ministers:

- I. The fact that he has possessed experience since 2001 as the Deputy Inspector General of Police in charge of elections; he has been in charge of 28 elections; he has discharged his duties honestly, independently, without any political favorations and to the satisfaction of his superiors.
- II. 'PAFFREL', which is the principal organization monitoring elections in this country, has commended his services and discharge of his duties as the Deputy Inspector General incharge of elections.
- III. The fact that the National Police Commission had not been constituted at the time in question.
- IV. He had submitted a letter to the Secretary of the Ministry of Public Order and Christian Affairs through the Inspector General of Police, seeking an extension of service on contract basis with which the Inspector general of Police had agreed.
- V. The fact that the Minister of Public Order and Christian Religious Affairs had submitted a Cabinet Memorandum seeking the approval of the Cabinet of Ministers for his request. He has produced the Cabinet Memorandum dated 09-06-2015, observations of the Ministers of Public Administration, Local Government and Democratic Governance and Finance dated 10-06-2015 and the Cabinet Decision dated 18-06-2015, marked **41-R10**, **41-R11** and **41-R12**.
- VI. The fact that he had conducted an inquiry into certain allegations leveled against the Petitioner and submitted the report marked **41-R13** and certain other things which he said were incidental to the said inquiry.

By those documents, the 41st Respondent has attempted to show that the Petitioner is an Officer who has not had an unblemished record in his career. However, the issue to be decided by Court in this instance is whether the decision taken by the Cabinet of Ministers to extend the service of the 41st Respondent beyond his retirement age is a decision lawfully made. Whether the Petitioner is suitable to be appointed to the vacancy that would have been created by the retirement of the 41st Respondent is another matter which the National Police Commission should consider.

It was on 10-06-2015 that the Cabinet of Ministers has decided to re-employ the 41st Respondent on contract basis for a period of one (01) year with effect from 21-07-2015.

The 17th Amendment to the Constitution introduced a new Chapter XVIIIA immediately after Article 155 of the Constitution to establish the National Police Commission. Accordingly, Article 155G of the Constitution vested the National Police Commission with powers in relation to the appointment, promotion, transfer, disciplinary control and dismissal of police officers other than the Inspector-General of Police.

However, the 18th Amendment to the Constitution which was certified on 09th September 2010, repealed Article 155G; it also repealed hitherto existed Article 55 and replaced it with new Article 55. That resulted in re-transferring the National Police Commission's powers in relation to the appointment, promotion, transfer, disciplinary control and dismissal of police officers back to the Public Service Commission. This brought the police officers back under the category of public officers coming under the purview of the Public Service Commission. All matters pertaining to the appointment, promotion, transfer, disciplinary control and dismissal of police officers pending before the National Police Commission stood transferred to the Public Service Commission by virtue of section 36(5) of the 18th Amendment to the Constitution. This also brought the power to provide for and determine all matters of policy relating to police officers back under the Cabinet of Ministers by virtue of Article 55 (1) introduced by the 18th Amendment to the Constitution.

The 19th Amendment to the Constitution re-transferred the powers in relation to the appointment, promotion, transfer, disciplinary control and dismissal of police officers back to the National Police Commission from the hands of the Public Service Commission. It re-introduced an article numbered 155G in the following form;

155G. (1) (a) The appointment, promotion transfer, disciplinary control and dismissal of police officers other than the Inspector-General of Police, shall be vested in the Commission. The Commission shall exercise its powers of promotion, transfer, disciplinary control and dismissal in consultation with the Inspector General of Police.

(3) The Commission shall, in consultation with the Inspector-General of Police, provide for and determine all matters regarding police officers, including:-

- a) the formulation of schemes of recruitment, promotion and transfers, subject to any policy determined by the Cabinet of Ministers pertaining to the same;*

- b) the formulation of schemes of recruitment, promotion and transfers, subject to any policy determined by the Cabinet of Ministers pertaining to the same;*
- c) training and the improvement of the efficiency and independence of the police service;*
- d) the nature and type of the arms, ammunition and other equipment necessary for the use of the National Division and the Provincial Divisions; and*
- e) codes of conduct and disciplinary procedures.*

(4) The Commission shall exercise all such powers and discharge and perform all such functions and duties as are vested in it under Appendix I of List I contained in the Ninth Schedule to the Constitution.

Thus, after the 19th Amendment to the Constitution it was the National Police Commission which was charged with the power to provide for and determine all matters regarding police officers, including the formulation of schemes of recruitment and promotion in consultation with the Inspector-General of Police, subject to any policy determined by the Cabinet of Ministers pertaining to the same. This was the legal position existed when the Cabinet of Ministers made the decision contained in **R 9** on 10-06-2015. This is because the law had changed by that time as the 19th Amendment to the Constitution came into force with effect from 15th May 2015. This is why Hon. Attorney General in the letter dated 25-05-2015 (**R2**) has rightly taken the view that the Public Service Commission cannot exercise and discharge any powers referred to in Section 49(4) and 49(5) of the 19th Amendment in relation to Police Officers with effect from 15-05-2015, which was the date on which the 19th amendment to the Constitution came into operation. It is important to remember here that it was the 39th Respondent (the Secretary to the Cabinet of Ministers) who has produced this letter (**R2**) with his affidavit.

Therefore, it is clear that the Cabinet of Ministers did not have any power to make the decision contained in **R 9** on 10-06-2015 to re-employ the 41st Respondent on contract basis for a period of one (01) year with effect from 21-07-2015.

Therefore, the said decision is *ab initio* void in law. The Petitioner is therefore entitled to succeed with his Petition. Therefore, I grant the following relief to the Petitioner:

- a. A declaration that the Fundamental Rights of the Petitioner guaranteed in terms of Article 12(1) and 14(1)(g) of the Constitution have been violated;*
- b. A declaration that the 41st Respondent stands retired on the day he attains the age of sixty years, i.e., on 21st July 2015;*
- c. A declaration that the 41st Respondent is not entitled to be re-employed / granted an extension / appointed after he attains the age of sixty years, i.e., on 21st July 2015;*

Having regard to all the circumstances of this case I order no costs.

JUDGE OF THE SUPREME COURT

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

I agree.

JUDGE OF THE SUPREME COURT

MAHINDA SAMAYAWARDHENA, J.

I agree.

JUDGE OF THE SUPREME COURT.